

Sanctuary Advisory Council

Wednesday, November 13, 2002
10:00 a.m. to 3:00 p.m.
Honolulu International Airport
Interisland Conference Center, 7th Floor

Final Meeting Minutes

Attendance:

SAC Members Present: James Coon, Elizabeth Corbin, Eric Gilman, Walter Haas, June Harrigan Lum, Jack Laufer, Teresa Leicher, William Lennan Richard McCarty, Naomi McIntosh, Patty Miller, Paul Nachtigall, Jerry Norris, Sara Peck, Richard Poirier, Glen Soma, Michael Stanton, Jeffrey Walters, Reginald White, Robert Wilson.

SAC Alternates Present: David Nichols for Margaret Dupree, Wallace Patch
Excused: Sallie Beavers, Athline Clark, Nancy Daschbach, Margaret Dupree, Isaac Harp, Louis Herman, Robert Smith.

Others Present:

HIHWNMS: Christine Brammer, Amy Glester, Annelore Reisewitz, Jean Souza

NMS: Allen Tom

USCG: Eric Kingma

PUBLIC: Hamid Jahanmir, Dwayne Meadows

Distributed Materials

- Final Agenda
- SAC Action Item Status Report
- Acting Sanctuary Manager's Report
- State Co-Manager's Report
- Letter from the Governor
- Request for Proposals: Humpback Whale Research in Hawaiian Waters "Beyond Maui"
- State Sanctuary Program Update
- Honolulu County Report
- Kaua'i Report
- Maui Report
- Conservation Committee Report
- Vessel Collision Working Group Report
- Management Plan Updates
- Charter
- SPLASH- Structure of Populations, Levels of Abundance and Status of Humpbacks
- Calendar of Events

Call to Order

SAC Chair James Coon called the meeting to order at 10:04 a.m. Mr. Coon announced that the primary items on the agenda are a management plan update, an overview of Allen Tom's position as Regional Coordinator, and a presentation from Dr. Braun on the Hawaii Stranding Program. Additional items will be addressed in unfinished & new business.

T-shirts for SAC members will also be distributed.

Approval of Meeting Minutes

Postponed. The minutes are incomplete due to computer-related issues.

Public Forum

Mr. Coon asked the members of the public to introduce themselves and asked for public comments. Dwayne Meadows, Director of Research and Marine Science for the Pacific Whale Foundation, announced that information on the Pacific Whale Foundation's Marine Mammal Naturalist Training Course, as well as a report on the Behavioral and Ecological Data on Hawai'i's Humpback Whales from Ecotour Boat Sighting Logs, and a report on short-finned pilot whales are available on the information table.

Reports and Updates

SAC Chair

Mr. Coon reviewed the status of the September Meeting Action Items (see attachment #1).

Acting Sanctuary Manager's Report

Naomi McIntosh welcomed David Mattila and asked to share her time with him. Mr. Mattila will give an update on Structure of Populations, Levels of Abundance and Status of Humpbacks (SPLASH). She also introduced Allen Tom, who is sitting in for Robert Smith. Ms. McIntosh gave an overview of her report (see attachment #2). She attended the National Marine Sanctuary Program Leadership Team (LT) meeting that was held in Santa Cruz and Monterey from September 16th through September 21st. She announced that the next LT meeting will take place in Hawai'i in February.

Ms. McIntosh reported that the SAC charter had been signed and approved by headquarters (see attachment #3). She briefly covered some of the changes included in the charter. She noted that the Sanctuary manager must be present at all SAC meetings, a

non-voting seat has been added for the U.S. Navy, all subcommittees are now referred to as *committees*, and officer terms have been extended to two-years.

Ms. McIntosh highlighted the facility updates in her report. The Department of Commerce (DOC) is considering renaming the Sanctuary Education Center on Maui to honor the memory of the late Congresswomen Pasty Mink. The Sanctuary anticipates that there will be an addition to the Sanctuary's base budget to open and staff a field office in Kona in fiscal year 2003. On another note, a SAC meeting may be planned in the near future in Hilo at the Interpretive Center of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (NWHICRER).

Ms. McIntosh announced that Paul Wong has been hired to provide program and administrative support to the Sanctuary starting in January 2003. Paul previously worked for the Gulf of the Farallones National Marine Sanctuary.

The HIHWNMS provided written comments regarding the proposed Ahi Nui Project on the Kohala Coast to the State of Hawai'i's Department of Land and Natural Resources (see attachment #4).

Mr. Mattila gave an overview of the SPLASH (Structure of Populations, Levels of Abundance and Status of Humpbacks) project (see attachment #5).

Newly published stranding and entanglement sheets were distributed. If you need more please contact the O'ahu Sanctuary office. The sheets were designed for boat operators to use as a guide for reporting stranding and entanglement incidents. The information can also be obtained at the Sanctuary website, which has been getting updated regularly by Christine Brammer.

Sanctuary Co-Manager's Report

Jeffrey Walters echoed the welcome to David Mattila. He mentioned Governor Cayetano's letter of approval for the Sanctuary (see attachment #6). The items Dr. Walters summarized from his written report (see attachment #7) included the revised management plan's acceptance and Sanctuary reauthorization, a contract summary of State's Sanctuary activities and accomplishments and a request for proposals for the "Beyond Maui" Project (see attachment #8). The purpose of the "Beyond Maui" project is to support biological research in areas outside the Maui County area that have not been studied as frequently. Dr. Walters also mentioned his intent to create and fill a new full-time state Sanctuary position for a marine conservation specialist. His request for the position has been submitted to the governor's office.

Several DLNR staff, Dr. Walter Haas, Dr. Carl Berg, Jean Souza, Naomi McIntosh and Dr. Walters attended a workshop on Kaua'i that was held to discuss monk seal management issues. Dr. Walters stressed the need for a monk seal coordinator on all islands.

Committee Reports

Conservation:

Conservation Committee Chair, Eric Gilman, stated that the Conservation Committee did not meet and therefore they are submitting the same report that was submitted at the previous meeting (see attachment # 9). There are four action items resubmitted under unfinished business. Paul Nachtigall voiced some concerns on the wording of a sentence in the comments on Ahi Nui Tuna Farming Co. Proposed Tuna Growout Facility Draft Environmental Assessment letter. The sentence in question states “The Sanctuary Advisory Council believes that only activities that result in a greater conservation benefit to humpback whales than potential cost should be permitted in the whale Sanctuary”. This item will be discussed further under unfinished business.

Research:

Research Committee Chair, Paul Nachtigall, noted from his written report (see attachment #10) that he received a list of potential research topics of interest to the Sanctuary. Comments were requested from the Research Committee and opinions were forwarded to Dr. Walters.

Education:

Patty Miller, Education Committee Chair, stated that the Education Committee did not meet. Ms. Miller will discuss new outreach efforts under New Business.

County Reports

Honolulu County:

William Friedl, Honolulu County Representative, presented his report (see attachment #11).

Kaua‘i County:

Kaua‘i County Representative, Walter Haas, mentioned his report (see attachment #12) and his attendance at the Monk Seal Workshop. Jean Souza, Kaua‘i Sanctuary liaison, also recently mailed out information to Kaua‘i educators regarding available Sanctuary activities.

Maui County:

Richard McCarty, Maui County representative, presented his report (see attachment #13).

Hawai‘i County:

Hawai‘i County Representative, Sara Peck, stated that she had no activity to report except that Sanctuary Ocean Count volunteers are excited about this year’s count. She reiterated the need for a Sanctuary office in Kona. Also, Ms. Peck mentioned that it has been proposed that the Kona Blue Water Farms be moved to deeper water. The environmental assessment is available online.

Working Group Reports

Vessel Strike Working Group:

Chair William Friedl presented a written report (see attachment #14).

Boater Outreach Working Group:

Chair Reginald White reported that the group is working at a slow pace. Dr. Walters is assisting the group and a two-page project summary on the Boater Outreach Working Group was distributed at the last meeting. The working group plans to set a meeting date for a presentation from John Nazzaro of the Florida Key National Marine Sanctuary. Mr. Nazzaro will present information on the volunteer program entitled "Team OCEAN".

Naturalist Training Working Group:

Teri Leicher, Chair of the Naturalist Working Group, discussed the two-day brainstorming session that was held on September 24-25 in Massachusetts. Claire Cappelle, Jean Souza, Dick Porier, and Sara Peck represented the Hawai'i Sanctuary at the meeting. The meeting was held to discuss the development of a National Sanctuary Naturalist Program. The program would seek to train and certify volunteers and professional interpreters to provide accurate information about sanctuaries and their resources.

Management Plan Update

Ms. McIntosh acknowledged Anne Reisewitz for coordinating the Management Plan Review process for the Sanctuary. Ms. Reisewitz is planning to relocate to the San Francisco area. The plan has received the Governor's approval and will begin to be implemented immediately. Under the new revised management plan the Sanctuary will continue to enhance existing program efforts and work to meet the goals and objectives obtained in the five action plans. The natural resource enhancement plan addresses the process to evaluate new species that may be included in the Sanctuary in the future. The Sanctuary anticipates receiving an additional \$20k to support scientific studies for the process to begin. Initial steps in the process call for the Sanctuary to meet with appropriate agencies and council members to identify additional candidate resources and discuss their possible inclusion into the Sanctuary. Community scoping meetings will also be held. The staff will work closely with the council throughout this process. Copies of the final revised Management Plan are being printed and will be available soon. The Management Plan is already available on the website at www.hihwnms.nos.noaa.gov. The document provides timelines that the Sanctuary will seek to follow. In May 2003, the SAC will be asked to review the Sanctuary's achievements against the proposed timeline for activities that were identified to be addressed in fiscal year 2003. The Sanctuary will also try to meet with Governor Linda Lingle to discuss the plan as soon as possible. The Sanctuary wants to continue to have the State work in partnership with the Sanctuary during this process.

Bill Lennan mentioned that it might be better to add other marine mammals first and then identify other resources for inclusion later. The longer the Sanctuary is around the less apprehensive the public may be about it.

Teri Leicher stated that in her opinion the public is more comfortable with the Sanctuary now and residents of Kona seem to be interested in more protection for coral reef ecosystems.

Ms. McIntosh stated that we may also hear support from people that would be interested in keeping the Sanctuary focused on protecting humpback whales as our main resource. She pointed out that it is important to note to those folks that the addition of new resources will not take away from the Sanctuary's focus on humpback whales.

Presentations

Regional Coordinator Overview:

Pacific Regional Coordinator, Allen Tom, thanked the council for all their efforts and hard work while he was on detail in Washington D.C. Mr. Tom gave an overview of his new role. As Regional Coordinator he will work to increase coordination efforts between the three sites (HI Humpback Whale NMS, Fagatele Bay NMS, and NWHICRER). Office space, personnel and appropriate data will be shared. Mr. Tom will facilitate projects that are beneficial to all sites (e.g., Geographic Information Systems (GIS) capability, archeology, etc) and work with other agencies, such as the National Marine Fisheries Service and the Western Pacific Regional Fisheries Management Council, to facilitate communication and necessary agreements.

Mr. Tom announced that the Sanctuary Manager position for the HIHWNMS will be an open process when the freeze on federal positions is lifted. Ms. McIntosh will remain as the Acting Sanctuary Manager until the freeze is lifted.

Mr. Tom mentioned the idea of the mini sub found at Pearl Harbor being protected within the Sanctuary. Many questions remain (e.g., what country does it belong to? What type of protection would it need?). The discussion on this topic may continue at a future date.

Hawai'i Stranding Program:

Dr. Bob Braun, gave a presentation on the Hawai'i Stranding Program. The program was established to assist with rehabilitation efforts of marine mammals around the Hawaiian Islands.

Unfinished Business

Proposed Statewide Comprehensive and Intergrated Humpback Whale Monitoring Program – Action Plan:

The Conservation Committee recommended that the SAC pass a motion that the Sanctuary develop and implement an action plan that (a) identifies existing activities and sources of information on the status and trends of whales and habitat in Sanctuary waters; (b) identifies priority information gaps; (c) describes how coordination and dissemination of information can be improved; (d) communication; (e) presents expected outcomes from implementing each alternative activity; and (f) includes a budget that identifies costs for alternative activities. The motion did not pass as the SAC reasoned that the proposed SPLASH project presented earlier by David Mattila could possibly address the objectives outlined above.

Establish Sanctuary guidelines on human activities:

The Conservation Committee proposed a motion calling for the Sanctuary to establish policies regarding activities occurring in near shore Sanctuary waters. The motion did not pass. The SAC determined that such policies would be difficult to develop as there are too many variables that need to be considered for individual project activity proposals.

Proposed Ahi Nui Tuna Farming Mariculture Draft Enviromental Assessment:

The Conservation Committee requested that the SAC draft a letter commenting on the proposed Ahi Nui Tuna Farming Mariculture facility. The SAC referred to the letter that was sent by the Sanctuary to Diedre Mamiya, Administrator of the Department of Land and Natural Resources Land Division and decided not to initiate further SAC action at this time.

New Business

Selection of Native Hawaiian and Fishing seats:

The application deadline for the Native Hawaiian and Fishing seats has been extended until December 20th due to the limited number of applications received to date.

Letter of appreciation for Carol Carey:

A letter of appreciation will be drafted to acknowledge the work of Carol Carey, who has worked with the Sanctuary program for many years and will be leaving in January.

Public Forum

No Comment.

Announcements

No announcements were made.

Adjournment

With no further business the meeting was adjourned at 2:30p.m.

ATTACHMENT 1

NOVEMBER 2002 SAC MEETING ACTION ITEMS

Status Report

ACTION: Sanctuary to order t-shirt for each SAC member based on existing Sanctuary t-shirt with the addition of a small banner on front which reads, "Sanctuary Advisory Council."

STATUS: Shirts distributed at meeting.

ACTION: Research Committee and Conservation Committee develop an action item on a possible SAC recommendation that the Sanctuary develop an on-going humpback whale monitoring program.

STATUS: Conservation Committee will address this issue in their report.

ACTION: Sanctuary managers follow up recent discussions with NMSP Director Dan Basta and request national-level funding from NMSP to convene a national vessel strike workshop in Hawaii in fiscal year 2003.

STATUS: Sanctuary Manager requested National Program funding for the vessel strike workshop.

The HIIHWNMS received \$30k to hold a workshop on this issue.

ACTION: Sanctuary managers request funding for the HIIHWNMS for fiscal year 2003 to broaden the scope of the national vessel strike workshop to a comprehensive threat assessment, to identify priority threats to whales while in the Hawaii Sanctuary waters.

STATUS: Sanctuary Manager requested National Program funding to expand the scope of the vessel strike workshop and include additional days to address priority threats to whales in Hawaii.

Discussions are ongoing with CZM Director Chris Chung to hold a panel discussion on this during the May 2003 Ocean Summit.

ATTACHMENT 2

Hawaiian Islands Humpback Whale NMS Sanctuary Advisory Council Meeting

November 13, 2002

Acting Sanctuary Managers Report

National Marine Sanctuary Program (NMSP) Updates

- A National Marine Sanctuary Program Leadership Team meeting was held in Santa Cruz and Monterey from September 16 through September 21st. Naomi McIntosh attended.
- A NMSP Mini grant project meeting on developing a Whaling to Watching web-based curriculum was held in the Stellwagen Bank NMS, September 19th.
- Claire Cappelle and Jean Souza participated in the meeting.
- A two-day meeting NMSP mini grant project meeting on national naturalist certification project was held on September 23rd and 24th. HIIHWNMS staff Claire Cappelle and Jean Souza participated along with Sanctuary Advisory Council Members, Sara Peck and Dick Poirier.
- Dan Basta visited with the HIIHWNMS during the week of October 14th. He spent time at both the Maui and Oahu Sanctuary office. During his visit Dan met with representatives from the Department of Land and Natural Resources, Outrigger Hawaii Hotels and Resorts, Pacific Coastal Services Center, and WESPAC. Dan also conducted a meeting to review the HIIHWNMS Annual Operating Plan for FY03 with Naomi and Jeff.
- On October 23, the California Fish and Game Commission voted to establish a no fishing marine reserve effective January 1, 2003 encompassing 175 square miles around the Channel Islands.

Pacific Region Updates

- Allen Tom, Pacific Regional Coordinator reported to his new position on September 30th, 2002. Allen will be working in the Maui Sanctuary Office. He also plans to have office space on Oahu with the NWHI Coral Reef Ecosystem Reserve and the HIIHWNMS. Allen will be presenting a Regional Concept plan for the Pacific Sanctuary sites during today's meeting.

- Joylynn Oliveira was invited to spend a week with the Fagatele Bay National Marine Sanctuary. Joylynn provided education and outreach support to the Fagatele Bay NMS on their whale watching programs and their cultural and education programs. While there, Joylynn assisted the Fagatele Bay Sanctuary staff in completing several outreach programs including school visits and presentations to approximately 300 students, an educator's workshop and a whale watch with 80 participants from two schools. Joy used her cultural knowledge to gain the students attention by introducing herself with a chant. Media coverage included a front-page article in the paper and a spot on the evening news.
- The Oahu Office staff attended an event at the Bishop Museum to celebrate the opening of a display on the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve.
- On Friday, October 25th, Naomi McIntosh and Jeff Walters met with Allen Tom, Robert Smith and Aulani Wilhelm to discuss facilities sharing.

HIHWNMS Updates for September through November 2002

1. SAC Activities

- Sara Peck and Dick Poirier accompanied Jean Souza and Claire Cappelle to the Stellwagen Bank NMS, September 23rd & 24th to participate in a NMSP Naturalist Training Meeting.
- A SAC officers meeting was held on Oahu on November 4th. Mahalo to Bill Friedl for hosting the meeting at his Oahu office. The purpose of the meeting was to provide SAC officers with an update on the Sanctuary's planned activities for fiscal year 2003 and to discuss the SAC's role and involvement in these efforts.
- The SAC Education Committee is planning to hold a meeting on Wednesday, November 13th at 8:30 a.m. prior to the SAC meeting.
- SAC Charter

The SAC charter has been signed and approved by headquarters.

- SAC Selection

The HIHWNMS experienced a delay in the process to select new SAC members, as a result new SAC members will begin serving at the next SAC meeting in January 2003.

The HIHWNMS is currently accepting applications for the fishing and native Hawaiian SAC seats.

2. Facilities

Maui Sanctuary Office – Efforts will continue to plan and implement a permitting process for a “new” multi-purpose building. Facilities building and improvement funds do not come from the Sanctuary’s operating funds. Surveyors were on site at the Maui Headquarters during the week of October 7th to take boring samples as part of the environmental assessment that is taking place for the construction of the new multi-purpose building.

| | |
|---|---------|
| Original facilities funding allocation: | \$1.5 M |
| FY03 Facilities Funding Request: | \$400K |

Oahu Sanctuary Office – The current lease for the Oahu Office is set to expire January 2004. The Oahu Sanctuary office will be relocating its offices with the Oahu office of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The two offices will share the 3rd floor of the Hawaii Kai Corporate Plaza at 6600 Kalanianaʻole Hwy. The HIHWNMS expects to receive an addition to base funds for the relocation.

Kona Office – The HIHWNMS will seek to open a Kona Office at NELHA in 2003. The HIHWNMS expects to receive an addition to base funds for a Kona Office and staff position.

On October 21, Claire met with Laura Rossi, Booz, Allen, and Hamilton, a NMSP consultant to discuss facility signage needs for all of the HIHWNMS offices.

3. Staff Positions

Paul Wong has been hired as the new Program Specialist for the Oahu office. Paul currently works with the Gulf of Farallones NMS. Paul’s start date will be the first week of January. Paul role as program specialist will be to provide management, program and administrative support to the Sanctuary. We look forward to having Paul join the Hawaii Sanctuary. This is a federal position that will be replacing a contract position.

David Mattila returned to the HIHWNMS Maui Office on November 4th, as the new Science and Rescue Coordinator. We are please to have David return as a permanent staff member of the Sanctuary team. David’s position is a federal position.

4. Ahi Nui Project

The HIHWNMS provided written comments regarding the proposed Ahi Nui Project on the Kohala Coast to the Department of Land and Natural Resources.

5. Management Plan

A separate report will be provided on the status of the Sanctuary's efforts to address the implementation of the new Management Plan.

6. Vessel strike workshop

The HIHWNMS expects to receive National Program Priority funding to hold a vessel strike workshop in Hawaii in 2003.

7. Marine Mammal Stranding support

The HIHWNMS expects to receive an addition to base to support marine mammal stranding efforts in Hawaii.

8. Threat Assessment Study

- A study has been funded. The contract was awarded to the Dolphin Institute.
- Ideas to hold a panel discussion on potential threats to Hawaii's humpback whales during the Ocean Summit have been discussed with the Hawaii Coastal Zone Management Program.

9. Sanctuary Partnerships

- The HIHWNMS continues to build a partnership with the Outrigger Hawaii Hotels and Resorts. The partnership will likely include an agreement with the National Marine Sanctuary Foundation. Kathleen Dziedzic, Marketing Manager with Outrigger Wailea resort visited the Maui site on October 8, 2002. She attended the "45 Ton Talk" with Jerry Stowell and toured the site. Dan Basta visited with Outrigger representatives on Maui and Oahu during his October Hawaii visit.
- On October 21, Claire Cappelle met with Hannah Bernard of the Maui Ocean Center to discuss collaborative efforts with the aquarium.
- On October 23, Bill Thomas and Carla Manuel of NOAA's Ocean Service, Pacific Services Center visited the Maui site. This was a courtesy call visit to meet with Allen Tom and to look over the on-site facilities and discuss the possibility of future program partnerships.

10. Education and Outreach

- Maui staff participated in the "Get the Drift and Bag It" cleanup on Saturday, September 21, 2002. This cleanup is an annual event sponsored by Community Work Day. This effort is part of the 2002 International Coastal Cleanup. This year marks the 17th annual International Coastal Cleanup.

- On October 24, Maui Community College students from the Hawaiian Ethnobotany class descended on the Maui site for a day of field study. They enjoyed a delightful sunny day as they combed the Sanctuary's shoreline for limu (seaweed) specimens and employed scientific field techniques to document their finds.
- On October 24th, 110 high school students participated in an education event at the Maui Education Center. Staff and volunteers led learning stations in conjunction with Russell Sparks, Division of Aquatic Resources.
- On October 25th, Sanctuary staff participated in various events with the State's Teacher Institute Day.
- On October 29th, Lokelani Intermediate School visited the Maui Education Center and completed lessons on whales and using sea animals in art. Forty-three eighth grade students participated in this visit.
- On October 26th the Maui office hosted "Costumed Sea Creatures and Halloween Story-Time" for children up to the age of seven. Children's librarian and storyteller, Kathleen Ageton combined not-too-spooky Halloween tales and song, movement, and stories.
- On October 27th the Sanctuary and the Outrigger Waikiki sponsored an event entitled "Spooky Tales". The event featured ocean-related storytelling provided by invited special guests as well as children's activities provided by the Sanctuary and its partners.

11. Lectures and Training Workshops

- Tamara Sherrill Nelson, Nursery Manager at the Maui Nui Botanical gardens presented her lecture entitled "Landscaping with Maui's Native Plants: Helping Hawai'i look like Hawai'i" on October 8, 2002 as part of the Maui Headquarters' monthly lecture series.

12. Staff Accomplishments

- During September, Chris Brammer spent a week of training at the headquarters office in Silver Spring. She worked with Valerie Thorpe on website efforts and with Sandy Nitchie on graphics design related projects.
- October 28-29, Claire Cappelle traveled to NOAA's Western Administrative Support Center for facility and budget planning meetings
- October 28-30, Christine Brammer took part in a three-day course on project management.

- On October 29th - 31st, Naomi McIntosh, Jeff Walters, and Jean Souza participated in a workshop on monk seals on Kauai.

13. Media Coverage

- The Maui News, September 13, 2002 featured an article entitled, “Revised whale Sanctuary plan wins approval: Cayetano OK’s expanding protection to include monk seals, sea turtles”
- The Honolulu Star Bulletin September 27, 2002-October 3, 2002 listed the Sanctuary’s upcoming lecture entitled “Landscaping with Maui’s Native Plants: Helping Hawai‘i look like Hawai‘i” held on Tuesday, October 8, 2002.
- The Maui News, September 28, 2002 also listed the u lecture in the County section.
- Samoa News, September 24, 2002, Joylynn Oliviera’s trip to Fagatele Bay was highlighted in a front-page article of the issue. The article entitled “Fagatele Bay NMS conducts a whale of a workshop!”
- Maui News, October 20, 2002 listed an event brief for the Maui “Costumed Sea Creatures”. The brief highlighted the event and participation of the Kihei Public Library for the story-telling contribution.
- Maui Weekly, October 31-November 13, 2002 issue featured an article entitled, “Endangered Hawai‘i”. The article highlighted the issues surrounding native plants and their disappearance on the islands. The article presented the views of Tamara Nelson, nursery manager at the Maui Nui Botanical Gardens. Tamara was a lecturer here at the Sanctuary in October. The article mentions her presentation for the Hawaiian Islands Humpback Whale National Marine Sanctuary.

14. Other

- On Tuesday, October 1st, the Maui Site hosted a Welcome Home and Good Bye Luncheon. The staff and volunteers welcomed Allen Tom, Regional Coordinator, back to the site and also gave their well wishes to longtime volunteer, Bill Adams who will be moving back to the Mainland.
- Heads up

The annual Ocean Users Workshop: Guidelines for Responsible Wildlife Viewing is scheduled to be held on four islands Nov. 13-20. These workshops are a joint project of HIHWNMS, NOAA Fisheries Office for Law Enforcement, NMFS Pacific Islands Area Office and the State Department of Land and Natural Resources.

ATTACHMENT 3

HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY ADVISORY COUNCIL CHARTER

INTRODUCTION

A marine Sanctuary is an area of the marine or Great Lakes environment of special national, and sometimes international, significance warranting protection and management by the Federal government. As steward of coastal and ocean resources, the National Oceanic and Atmospheric Administration (NOAA) protects and manages Sanctuaries through the National Marine Sanctuary Program (NMSP). The mission of the NMSP is to comprehensively protect and manage marine or Great Lakes areas of special national significance to protect their ecological and cultural integrity for the benefit of current and future generations. NOAA uses ecologically sound principles of resource conservation, and develops and implements stewardship, education, and research programs that foster public understanding, support, and participation. Use of Sanctuary resources must be consistent with the primary objective of the program, which is resource protection.

The goals of the NMSP are:

- to enhance resource protection through comprehensive and coordinated conservation and management tailored to the specific resources that complements existing regulatory authorities;
- to support, promote, and coordinate scientific research on, and monitoring of, Sanctuary resources to improve management decision-making in the Sanctuary;
- to enhance public awareness, understanding, and wise use of the marine environment; and
- to facilitate, to the extent compatible with the primary objective of resource protection, multiple uses of the Sanctuary not prohibited pursuant to other authorities.

The Hawaiian Islands Humpback Whale National Marine Sanctuary (Sanctuary) was designated by an Act of Congress (Title II, Subtitle C, Public Law 102-587, Hawaiian Islands National Marine Sanctuary Act or Act) to recognize the importance of Hawai'i's nearshore waters which serve as the winter breeding, calving and nursing habitat essential to the long-term survival and recovery of the North Pacific stock of the endangered humpback whale (*Megaptera novaeangliae*). The Sanctuary, working in partnership with the State of Hawai'i, its governments and citizens, will function to provide the protection needed to ensure that the whales and their habitat are safe from harm and harassment while continuing to meet the needs of marine users of an island state.

The Act established the Sanctuary for the following purposes:

- to protect the North Pacific population of humpback whales and their habitat within the Sanctuary;
- to educate and interpret for the public the relationship of humpback whales to the Hawaiian Islands marine environment;
- to manage human uses of the Sanctuary consistent with the National Marine Sanctuaries Act (NMSA), as amended; and
- to provide for the identification of marine resources and ecosystems of national significance for possible inclusion in the Sanctuary.

NATIONAL MARINE SANCTUARY PROGRAM SANCTUARY ADVISORY COUNCIL POLICY STATEMENT

The National Marine Sanctuary Program (NMSP) regards the involvement of communities and the development of a stewardship ethic as vitally important to successfully protect Sanctuary resources. One key way to achieve this involvement is the formation of Sanctuary Advisory Councils.

Sanctuary Advisory Councils bring members of a diverse community to provide advice to the Sanctuary Manager (delegated from the Secretary of Commerce and the Under Secretary for Oceans and Atmosphere) on the management and protection of the Sanctuary, or to assist the NMSP in guiding a proposed site through the designation process.

The NMSP is committed to the full support, utilization, and enhancement of Councils at all Sanctuaries. In order for Councils to achieve their full potential, the NMSP will:

- At each site, provide sufficient support to allow Councils to operate efficiently and effectively;
- Provide support and guidance from the national office to help Councils operate efficiently and at a basic level of consistency across the system;
- Promote coordination and communication among Councils and among Sanctuary staff that work closely with Councils; and
- Develop training programs appropriate to Council officers and members, and Sanctuary Managers and staff.

ESTABLISHMENT AND AUTHORITY

Section 315 of the NMSA (16 U.S.C. § 1445a) authorizes the Secretary of Commerce to establish Sanctuary Advisory Councils to provide advice to the Secretary of Commerce regarding the designation and management of National Marine Sanctuaries. This authority has been delegated to the Director of National Marine Sanctuary Program (Director). The Director hereby establishes the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council (Council).

This Charter describes the objectives and roles of the Council's activities, procedural requirements on the appointment of Council members and officers, requirements for the conduct of Council members and meetings, and other requirements. All Council activities must be conducted pursuant to this Charter.

OBJECTIVES AND DUTIES

1. The Council, in accordance with the Act, shall provide advice to the Sanctuary Manager and State Co-Manager regarding the management of the Hawaiian Islands Humpback Whale National Marine Sanctuary.
2. The Council is established to provide advice to the Sanctuary Manager and the State Co-Manager regarding the on-going management of the Hawaiian Islands Humpback Whale National Marine Sanctuary. This does not constitute either authority to perform operational or management functions, or to make decisions on behalf of the Sanctuary.
3. The Council shall draw on the expertise of its members and other sources in order to provide advice and recommendations.
4. The Council may serve as a forum for consultation and deliberation among its members and as a source of advice to the Sanctuary Manager, and the State Co-Manager. Such consensus advice shall fairly represent the collective and individual views of the Council members. In formulating such consensus advice, the Council members shall recall that the primary objective of the Sanctuary and the Act is resource protection.
5. Council members shall serve as liaisons between their constituents and/or communities and the Sanctuary, keeping the Sanctuary staff and their constituent groups and communities informed of issues and concerns, as well as performing outreach to their respective communities on the Sanctuary's behalf.

SCOPE OF RESPONSIBILITIES

The Council may provide advice and recommendations to the Sanctuary Manager and State Co-Manager on the management of the Sanctuary as follows:

1. Resource protection. The Council may advise on the effectiveness of interagency agreements, permit review and coordination, and on the effectiveness of the Sanctuary regulations in providing adequate resource protection.
2. Research. The Council may advise on priority research and monitoring needs, proposals, and reports.

3. Education. The Council may advise on enhancing public awareness, understanding, and wise use of the marine environment and on the development of an informed constituency.
4. General Administration. The Council may advise, at the request of the Sanctuary Manager, on proposal(s) for activities within and outside of, but affecting the Sanctuary. It may also advise on planning for the use, development, and maintenance of Sanctuary lands, buildings and equipment.
5. Program Modifications. Council advice may also be sought in the process to identify other resources of national significance which may be considered for future inclusion in the Sanctuary; the review of any new regulations or modification of existing regulations developed pursuant thereto or for any other purpose based on new findings or future needs; and for necessary modifications to the management plan.

MEMBERS, ALTERNATES AND OFFICERS

1. The Council shall consist of no more than twenty-four (24) voting members who shall be appointed by the Director, in consultation with the Governor or his/her designee, from among persons employed by Federal, State or Local government agencies with expertise in management of natural resources, members of the Western Pacific Fishery Management Council, representatives of native Hawaiian groups, local user groups, representatives from adjacent counties, conservation and other public interest organizations, scientific and educational organizations, and members of the public interested in the protection and multiple use management of Sanctuary resources. The membership is designed to be balanced in terms of interests represented, geographic representation, and advisory functions the Council will perform.
2. The Sanctuary Manager and State Co-Manager are non-voting members and shall work with the Chair in scheduling each meeting and approving the agenda to ensure that discussion topics are relevant to the Sanctuary. Council meetings may not be conducted in the absence of the Sanctuary Manager or his/her designee.
3. The following procedures shall govern the application, nomination and appointment of Council voting members.
 - (a) (i) Government (9 members). By virtue of the shared functional responsibilities of Federal and State jurisdictions in the implementation of Sanctuary-related management, each of the following government entities shall be requested to designate one individual to serve on the Council and to represent the specific functional area of expertise noted below:

State of Hawai'i (6)

- Office of Planning (marine and coastal coordination and planning)
- Department of Health (water quality management and monitoring)
- Department of Land and Natural Resources (aquatic resources, marine conservation areas, boating, enforcement)
- Department of Business, Economic Development and Tourism (marine recreation, development and tourism)
- Department of Transportation - Harbors Division (shipping, harbors and harbor expansion)
- Office of Hawaiian Affairs (native Hawaiian issues)

Federal (3):

- U.S. Army Corps of Engineers (water quality, dredge disposal & alteration of seabed)
- U.S. Coast Guard (oil spills, enforcement)
- Western Pacific Regional Fisheries Management Council (fisheries management)

(b) (i) Non-government (15 members). A representative of each of the following interest groups or activities, which are integrally affected by the management goals of the Sanctuary, will be selected:

- County-specific representatives¹ (4)
- Native Hawaiian (1)
- Research (1)
- Education (1)
- Conservation (1)
- Whale watching (1)
- Business/Commerce (1)
- Ocean recreation (1)
- Fishing (1)
- Tourism (1)
- Citizen-at-large (1)
- Commercial shipping (1)

NOTE: NOAA recognizes that all of the non-government user/interest groups are comprised of many different individuals and organizations, each representing specific interests. The selected representative of each group will be encouraged to make concerted efforts to identify, contact and coordinate with all the diverse organizations and individuals comprising the respective group.

¹ County-specific representatives: Each of the four counties (Kauai, Honolulu, Maui, and Hawaii) will have a non-governmental individual to represent the concerns of that county. This individual may establish a county-specific working group and coordinate and consolidate the various views and concerns of the citizens of that particular county and present them to the Council. The county groups shall include the county governments and involve the expertise of the individual county Coastal Zone Managers

4. The following shall be designated as non-voting members on the Council:

- Fagatele Bay National Marine Sanctuary Manager
- Hawaiian Islands Humpback Whale National Marine Sanctuary Manager
- National Marine Fisheries Service, Pacific Islands Area Office (protected species)
- National Marine Fisheries Service, Office of Law Enforcement
- Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve
- State of Hawai`i Co-Manager
- U.S. Navy

5.(a) Council Officer Elections and Terms

The Council shall elect one member to serve as Chair, one member to serve as Vice-Chair, and one member to serve as Council Secretary. Election for all positions shall be made by majority vote of all Council members, including non-voting members. Votes shall be made by written ballot. Elections shall be held at a regular meeting or conducted through a mail/e-mail submission of ballots. Members who will not be present at the time of the election may submit their vote in writing to the Sanctuary Manager prior to the election. All officers are granted the same voting rights as other Council members.

The term of all officers (Chair, Vice-Chair, and Secretary) is two years. Officers will be allowed to serve no more than three consecutive terms. A Chair or Vice-Chair may leave his/her term to run for another Council officer position if desired. If the Chair or Vice-Chair is elected to a new position, the Council shall nominate and elect a new representative for the vacated position.

(b) Roles of Council Officers

(i) Chair: The Chair schedules and sets agendas for all Council meetings in consultation with and approval of the Sanctuary Manager; calls to order, presides, and adjourns all meetings of the full Council; and ensures that meetings are conducted in accordance with the current Robert's Rules of Order, except as may be inconsistent with the provisions of this Charter; signs all correspondence and documents authorized by the Council; and generally represents the Council's positions, interests and concerns to the public.

(ii) Vice Chair: The Vice Chair acts as the Chair in the absence of the Chair and assists as necessary in performing executive duties of the Council.

(iii) Council Secretary: The Council Secretary shall be responsible for taking the official attendance at each Council meeting; assisting in taking and reviewing minutes of each Council meeting; recording official votes as necessary; and assisting Sanctuary staff in performing other administrative duties as directed by the Chair or Vice-Chair.

6. Alternates

(a) An alternate (from the same government entity) of a government Council member may attend and participate in a Council meeting if the Chair and Sanctuary Manager are notified at least 24 hours in advance of any meeting at which an alternate will represent the government Council member. Such notice shall include the name, address, and position of the individual designated. An alternate may not name another alternate.

(b) As each new non-governmental seat becomes vacant and the process for selection of new members is conducted, the Sanctuary Manager will identify an alternate for each candidate the Manager recommends to the Director to fill the seat. The alternate will have all the rights of the member at such times the alternate is officially substituting for the member. The Chair and the Sanctuary Manager must be notified by the member that his/her alternate will attend a meeting at least 24 hours prior to such meeting.

7. Removal of Members

(a) If it is found that a governmental member of the Council has violated one or more of the terms of this Charter, the Sanctuary Manager may recommend to the Director that the appropriate agency be notified and requested to replace the designee. The Sanctuary Manager may consult with the Council prior to taking such action.

(b) (ii) Non-governmental members serve at the discretion of the Director. The Sanctuary Manager may recommend to the Director the removal of a non-governmental member of the Council on any of the following grounds if that member:

- Is convicted of any felony offense;
- Is found to have violated any of the following laws or regulations promulgated there under: the National Marine Sanctuaries Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Endangered Species Act, Magnuson-Stevens Fishery Conservation and Management Act, or another environmental law for which NOAA has jurisdictional responsibility;
- Is determined to have abused his or her position as a member of the SAC (including but not limited to use of SAC information for personal gain; use of SAC position to advance a personal agenda or harm another member of the SAC or of the community; misrepresentation of, or spreading misinformation about the Council or the Sanctuary; and refusal to recuse himself or herself if so requested by the Sanctuary Manager and/or Chair in a matter in which the member has a conflict of interest);
- Has a change to the professional affiliation(s) and/or personal circumstances that comprise a significant portion of that member's qualifications for being a member of the SAC;
- Misses a consecutive number of meetings (as defined by this Charter) without reasonable justification;
- Disrupts on more than one occasion Council meetings in a manner that interferes with the Council conducting its business; or
- Violates any term of this Charter.

The Sanctuary Manager may consult with the Council prior to taking such an action.

TERMS AND APPOINTMENTS

Non-governmental members shall be appointed for a term of two years, and may compete for re-appointment. Terms are staggered to establish continuity within the Council. Should a non-governmental seat become vacant prior to the expiration of the member's term, his or her alternate shall assume the seat for the remainder of the member's term.

As each non-governmental seat becomes vacant at the end of an incumbent member's term and the process for selection of a new member is conducted, the Sanctuary Manager shall recommend to the Director the member and an alternate from among the top three candidates resulting from the review process, or from other applicants at the Sanctuary Manager's discretion.

Public notice shall be provided as to the vacancy of constituent group seat(s) and at-large representatives. Applications by individuals, and nominations from constituent groups, for ensuing terms for constituent group seats shall be submitted to the Sanctuary Manager. Applications for ensuing terms for the at-large position, likewise, shall be submitted to the Sanctuary Manager. In all cases, submission of written applications stating particular interest, qualifications and experience shall be requested. Guidelines for applying will be supplied at the appropriate time.

The Sanctuary Manager may consult with Council members during his or her screening of the applications. Any Council member that has a conflict of interest (financial, personal, self nomination, etc.) shall notify the Sanctuary Manager of such conflict and excuse him/herself from such consultation. The Sanctuary Manager, in consultation with the Governor or his/her designee, and with concurrence of the Director, will select two candidates for each vacant seat, identifying one to fill the seat and another to serve as an alternate for that seat. The Sanctuary Manager will forward his or her selection to the Director for final approval.

ADMINISTRATION

1. Members of the Council shall serve without pay except that each member may receive travel expenses including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of Title 5, U.S.C., for travel to and from official Council meetings. No members of working groups may receive travel expenses for working group activities or meetings. Travel expenses for governmental members of the Council may be provided by their own agencies.

2. The NMSP may make available such staff, information, administrative services, or assistance as the Sanctuary Manager determines are reasonably required to enable the Council and its subcommittees and working groups to carry out their functions.

OPERATION

1. Conduct of Individual Members

(a) No Council member may use or allow the use of, for other than official purposes, information obtained through or in connection with his or her Council affiliation that has not been made available to the general public.

(b) When speaking to the public or writing about any matter regarding the Sanctuary in a document for distribution beyond the Advisory Council membership, Sanctuary Manager or Sanctuary staff, a member shall clearly distinguish those recommendations, opinions, or positions officially adopted by the Council as a body from those he or she may have as an individual. In no case shall a member represent individual opinions as those of the Council, the Sanctuary Managers, Sanctuary staff, NOAA or the Department of Commerce.

(c) Any Council member that has an interest (financial, personal, or business) in any matter before the Council, its Subcommittees or Working Groups must identify such interest prior to discussion and voting on such matter. No member shall cast a vote on any matter that would provide a direct financial benefit to that member or otherwise give the appearance of a conflict of interest under Federal law. An affected member who may not vote on a matter may participate in Council deliberations relating to the decision after notifying the Council of member's interest that would be affected. These same guidelines apply to members of working groups who are not members of the Council.

2. Conduct of the Council as a Body

(a) All communications that are intended to speak for the Council as a body must be coordinated with, and approved by, the Chair. All communications must pertain to Sanctuary business.

(b) The Council may provide advice on the Sanctuary to the Sanctuary Manager and State Co-Manager. Any advice, correspondence or information that the Council wishes to offer or express or otherwise extend to others beyond the Sanctuary Manager must be provided to and approved by the Sanctuary Manager prior to the Council action.

(c) Any correspondence, press releases, informational releases, news articles, or other written documents that are intended to speak for the Council as a body must be coordinated and approved by the Chair and Sanctuary Manager. The following disclaimer must be placed in documents originating from the Council: "The Council is solely an advisory body. These opinions and findings do not necessarily reflect the position of the Hawaiian Islands Humpback Whale National Marine Sanctuary and/or the National Oceanic and Atmospheric Administration."

3. Council Letterhead

The Council shall, with the assistance and approval of the Sanctuary Manager, design and use its own letterhead. All approved, official correspondence from the Chair or other members of the Council, or the Council as a body, shall be upon this letterhead. The Council shall not use official NOAA letterhead for any correspondence or other purpose.

4. Subcommittees and Working Groups

(a) Subcommittees: The Council and the Sanctuary Manager may establish such subcommittees as necessary to fulfill its duties. Subcommittees shall be composed solely of members of the Council and shall be recognized as official sub-units of the Council. Subcommittees are subject to all requirements of this Charter.

(b) Working Groups: Working groups may be established by the Council and the Sanctuary Manager for specific purposes or topics that need more focused attention that cannot be accomplished by a subcommittee (e.g., County-specific representation). Working groups may be composed of members of the Council, alternate members, and persons outside the Council. Working groups shall be chaired by a member of the Council and shall function under the purview of the Council. Working groups established by the Council to address short-term specific issues shall disband once their advice or final recommendation on the particular matter is submitted to the Council. Working groups shall provide a general report to the Chair of the status of requested recommendations at each meeting of the Council. Working groups will provide their recommendations to the Council only.

5. Quorum and Meetings

(a) The Council quorum shall constitute more than half of the voting members.

(b) Meetings are held at the call of the Chair, with the approval of the Sanctuary Manager. All voting members, or their authorized alternates (if the members are not present), may vote.

(c) Decisions and recommendations made by the Council are advisory only and shall be made by vote of members present, provided that there is a quorum. Individual votes and abstentions shall be recorded in the minutes by roll call vote if requested by a member of the Council.

(d) Each meeting shall be open to the public.

(e) Members of the public in attendance shall be permitted to present oral or written statements at an appropriate time as noted on the Council agenda.

(f) Emergency meetings may be held at the call of the Chair, with the approval of the Sanctuary Manager.

(g) Timely notice of each meeting, including the time, place, and agenda, shall be published in at least one local newspaper of general circulation within the vicinity of the Sanctuary, and additional notice may be given by such other means as will result in appropriate notice to interested groups and the general public. This requirement shall not apply to workshops scheduled by the Council to address strategic planning, administration, or specialized technical issues. The Council may not vote at any meeting for which the above public notice has not been issued. The Council may not vote on any agenda item for which notice was not provided.

(h) The Council shall meet as frequently as necessary, not to exceed once per month, but at least once every six months. The Council meeting place may be rotated among various locations adjacent to the Sanctuary and meeting sites shall be chosen to accommodate anticipated public attendance and be reasonably accessible to those interested in attending.

(i) Minutes of each meeting shall be kept by a person specified by the Sanctuary Manager and contain a summary of attendees and matters discussed. Such minutes shall be available to the public.

(j) A yearly report shall be prepared by Sanctuary staff in cooperation with the Council Secretary, summarizing issues addressed and actions taken during the previous year.

(k) All meetings will be held in accordance with the current Robert's Rules of Order. When the provisions of this Charter are silent, the current Robert's Rules of Order shall govern. Robert's Rules of Order may be set aside as the Sanctuary Manager determines necessary in order to facilitate or expedite Council business.

6. Procedures for Providing Advice

The following procedures shall be used to provide advice:

(a) The Council may provide advice on a relevant issue or topic to the Sanctuary Manager and the Sanctuary Co-Manager. Requests for information, assistance, or advice from the National Marine Sanctuary Program or other NOAA offices shall be made in writing and will be coordinated through, and approved by the Sanctuary Manager.

(b) Any matter that a Council member wishes to raise to the attention of the Sanctuary shall be brought to the attention of either the Sanctuary Manager or the Council Chair so that it might be placed on the agenda as a discussion topic. The Sanctuary Manager and the Council Chair shall discuss topics for the agenda and agree that a topic is an appropriate Sanctuary issue before it may be placed on the agenda.

(c) The Council shall provide advice directly to the Sanctuary Manager via a formal written recommendation. Draft recommendations and verbal discussions will not be considered official advice from the Council, but may be considered as background information.

(d) Any written or oral advice or correspondence that the Council wishes to offer or express beyond the Sanctuary Manager and State Co-Manager shall be voted on and approved by the Council. Because the Council was established specifically to provide advice to the Secretary, and operates through the Sanctuary Manager, the Sanctuary Manager must also approve advice or correspondence that goes outside the Sanctuary.

(e) The Council shall base their recommendations on a vote of the Council with negative votes and abstentions noted, or on a general consensus reached during discussions, with minority opinions and views noted.

(f) Any information or recommendations resulting from discussions in subcommittees or working groups that is requested by the Council shall be presented to and approved by the full Council prior to being submitted to the Sanctuary Manager and the State Co-Manager. If the Council does not incorporate information or advice of a subcommittee or working group, it shall inform the Sanctuary Manager and explain in its advice or information the reasons for not incorporating the subcommittee's or working group's advice or information.

OTHER TERMS OF THIS CHARTER

1. The Council shall operate pursuant to the terms of this Charter.
2. This Charter shall remain in effect for a period of five years from the date of the Director's signature.
3. Six months prior to the expiration of this Charter, the need for the Council will be evaluated by the NMSP to determine whether to renew the Charter.
4. Revisions to the Charter may be made as determined necessary by the NMSP with input from the Council.

Daniel J. Basta
Director, National Marine Sanctuary Program

Date: 10/16/02

ATTACHMENT 4

October 7, 2002

Ms. Diedre Mamiya
Administrator, Land Division
Department of Land and Natural Resources
1151 Punchbowl St.
Honolulu, HI 96813

Dear Ms. Mamiya:

The National Oceanic and Atmospheric Administration's Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS) has reviewed the Draft Environmental Assessment (EA) entitled "Offshore Tuna Growout Project" prepared by Ahi Nui Tuna Farming, LLC. Please note that our comments are based on the fact that the area of proposed use is within the boundaries of HIHWNMS. The HIHWNMS is managed under the authority of the National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq.*), and our comments reflect our statutory and regulatory mandate to protect the area for the endangered humpback whale and its Hawaiian habitat.

We respectfully submit the following comments on the EA:

- The HIHWNMS requests that an Environmental Impact Statement (EIS) be prepared to fully examine the impacts of the proposal on humpback whales and their habitat because the impacts of aquaculture are so uncertain. There are several known and documented risks associated with aquaculture operations similar to ones described in the EA. Potential impacts (beyond entanglement) that could result from the placement of several acres of surface fish cages in the area include, obstruction of the whale's preferred migration/movement routes, and displacement from preferred surface habitat used for resting, singing, calving, nursing and other mating behaviors. The EA does not fully examine these potential risks and we feel an EIS is more appropriate.
- The draft EA (pg. 26) appears to inaccurately interpret the HIHWNMS Management Plan mandate "to facilitate human uses in the Sanctuary compatible with the primary purpose of protecting humpback whales and their habitat" as being supportive of tuna farming within the Sanctuary. Because there are a variety of uncertainties regarding the impacts of aquaculture operations on the humpback whale and its habitat, we believe that to conclude aquaculture operations are compatible with our primary mandate is premature.
- Further, because national marine sanctuaries are designated for their special national and international significance, a precautionary approach in this matter would dictate that sensitive marine sites such as HIHWNMS not be subject to the potential risks and uncertainties of aquaculture operations. Therefore, the EIS should consider a range of alternatives to the

proposal as well, including at least one or two alternative sites outside the boundaries of the HIIHWNMS. The EIS must discuss why alternative sites outside the HIIHWNMS cannot fulfill the purposes and objectives of the project, if possible.

- The draft EA (pg.27) assumes that humpback whales in Hawaii are generally found in areas that exhibit complex bottom topography. It is generally not known what kind of bottom topography humpback whales prefer in their Hawaii habitat.
- The draft EA (pg. 27) also states that any encounters with whales will be reported to the HIIHWNMS office in Maui. Encounters with whales should also be reported to NOAA Fisheries Service, Pacific Islands Area Office and NOAA Office for Law Enforcement.
- Lastly, contrary to the EA, the impacts of fish farming on humpback whales and their habitat are not a research priority for the HIIHWNMS. Certainly, the possibility of examining these impacts should not be a factor that leads to the approval of this project within the boundaries of HIIHWNMS.

Based on our comments above, the HIIHWNMS therefore respectfully requests that the Board of Land and Natural Resources postpones any decision on the applicant's request for a Conservation District Use Permit until an EIS can be completed for this or any location within the HIIHWNMS. Thank you for the opportunity to review the EA and taking the time to consider our comments. If you have any questions, please do not hesitate to contact me at 397-2651.

Sincerely,

Naomi McIntosh
Acting Sanctuary Manager

cc. Army Corps of Engineers
NOAA Fisheries Service, Pacific Island Area Office
Department of Land and Natural Resources
Department of Health
Department of Business Economic Development and Tourism, Coastal Zone
Management Program

ATTACHMENT 5

SPLASH – Structure of Populations, Levels of Abundance and Status of Humpbacks

Background

Humpback whale (*Megaptera novaeangliae*) populations were depleted due to commercial exploitation and remain listed as endangered today. While there are indications humpback whale populations have been increasing since the end of commercial whaling, there is no current estimate of abundance for North Pacific humpback whales and little data on population trends for the entire ocean basin. North Pacific populations were thought to have numbered about 15,000 prior to commercial exploitation in the twentieth century (Rice 1978), although this was only a rough calculation based on whaling data that may have been inaccurate. Rough numbers in the North Pacific after the end of commercial whaling have estimated about 1,400 (Gambell 1976) and 1,200 (Johnson and Wolman 1984), although the methods used for these estimates are uncertain and their reliability questionable.

The most complete recent study of North Pacific humpback abundance was conducted using mark-recaptures of humpback whales identified between 1990 and 1993 and yielded an estimate of 6,000- 8,000 whales (Calambokidis et al. 1997, 2001). While this estimate was more precise than previous ones, it's use is limited by several factors: 1) it is already about 10 years old, 2) since no comparable previous estimates were available it could not provide trend information, 3) data was not collected specifically for an estimate of abundance hence the results provided a very biased sample (many feeding areas were not represented, coverage of the Mexico wintering areas was limited in some years and Central America was not covered at all, and 4) genetic samples could not be collected for this post-hoc analysis and were not part of the study.

Data from photo-ID and genetics have provided some information on North Pacific stock structure, verifying a high degree of site fidelity to feeding grounds and some intermixing on the wintering grounds, but only limited data exist on the number, sizes, and potential boundaries of most feeding grounds (Calambokidis et al. 2001).

Objectives

Given the limitations of past studies and resulting analyses, a need exists for more accurate information. We propose to conduct a dedicated sampling and analysis of humpback whales in the entire North Pacific to address the following objectives:

1. Obtain a more current estimate of abundance
2. Improve the accuracy of the estimate by addressing past sampling limitations
3. Provide a better understanding of feeding area stock structure and abundances
4. Provide information on trends in abundance
5. Improve our understanding of population parameters including reproductive and mortality rates

Summary of regions, proposed coordinators, and notes on sampling

| Region | Proposed coordinator | Comments about sampling |
|---|---|--|
| Western North Pacific wintering areas | Manami Yamaguchi | Includes sampling of Ogasawara and Okinawa regions, sampling of Philippines desirable |
| Hawaii | David Mattila | Need to obtain samples from Big Island, 4-Island area, Penguin Bank, Kauai, and possibly other areas |
| Mexico | Jorge Urban | Requires samples from mainland, Baja, and Revillagigedos |
| Central America | John Calambokidis | Large low density area that may be used by larger than previously thought number of animals |
| California, Oregon, and Washington | John Calambokidis | Fairly representative sample already being obtained |
| British Columbia | John Ford | May represent two feeding areas with little interchange between north and south. May require combination of systematic surveys and shore-based small-boat surveys |
| SE Alaska including E Gulf of Alaska | Jan Straley | Requires more complete coverage of inside waters than present efforts as well as ship-based effort in offshore waters |
| Central and western Gulf of Alaska | Kate Wynne | Combination of shore-based effort around Kodiak, Shumigans with addition of Dutch Harbor and False Bay. Photo-ID from systematic surveys by NMML for killer whales (Paul Wade) |
| Central Aleutians and Bering Sea | Jay Barlow/Rick LeDuc/Sue Moore/Paul Wade | Requires ship surveys such as those conducted by NMML for killer whales (Paul Wade). Some possible IDs obtained in conjunction with right whale surveys |
| Western North Pacific waters off Russia and N Japan | David Weller | We have little information on current humpback whale occurrence in this region. The initial effort would have to consist of ship surveys |

Proposed agency representatives

| Agency | Proposed representative |
|---|--------------------------------|
| Southwest Fisheries Science Center | Jay Barlow |
| National Marine Mammal Laboratory | Sue Moore/Paul Wade |
| National Marine Sanctuary Program | David Mattila |
| National Park Service | Christine Gabriele |
| Canada Department of Fisheries and Oceans | John Ford |

We also recognized the need for government representatives from other participating countries including Russia, Japan, and Mexico and would seek to develop these through our contacts with scientists in these countries.

Other roles

The need for a number of other key participants was also discussed:

Matching: While photographic matching for this project would likely be conducted by an independent group (such as Cascadia Research), NMML's North Pacific humpback whale photographic archive and computerized matching system would also have an important role. The system would provide an efficient means to examine the migratory destinations of some of the animals identified in previously unstudied feeding areas.

Genetics: Biopsy sampling and associated genetic analysis of tissues would play a crucial part in examining the stock structure of North Pacific humpback whales. Key work has been done in this area by both Scott Baker and Luis Medrano. Per Palsboll, who conducted genetic analyses of humpback whales in the North Atlantic is also extremely interested in using new techniques to examine relationships among different areas. SWFSC would take the lead in archiving samples collected. Andrew Dizon was proposed to assist in evaluating different directions for the genetic testing.

Capture/Recapture Models: A geographically stratified mark-recapture model similar to that used in the past analyses for the 1990-93 data, was considered the most promising for the proposed study. Terry Quinn who conducted some of the past mark-recapture models for the North Pacific was recommended to help evaluate models. Nancy Friday who worked on some of the models for the YONAH project in the North Atlantic was also proposed as being able to contribute to the current effort.

Ancillary data collection

In addition to collecting photographic identifications and genetic samples to examine abundance and stock structure, the proposed project would include collection of other data that could be used to examine important questions related to humpback whale biology. This included using biopsy samples to examine pregnancy rates, stable isotope ratios, and contaminant concentrations. Photographs could also be used to examine incidence of encounters with fishery gear by evaluating scarring along the tail stalk. Water depth, sea surface temperature, and other environmental data collected at whale sighting locations could enhance understanding of humpback whale habitats. The project would be supportive of other ancillary data collections that could yield valuable information at little additional cost to the project.

Funding sources

Funding for the proposed study would require support from more than just one country. Within the United States there is potential support from a number of agencies as well as through direct funding from Congress. One specific source of funding was a program to look at the status of endangered large whale populations that may be candidates for down listing.

Steering Committee

The proposed initial steering committee for the project would include all of the regional coordinators and agency representatives mentioned above plus those charged with assisting in the evaluation of genetic approaches (Andy Dizon) and capture-recapture models (Terry Quinn). The steering committee would therefore consist of the following people: Jay Barlow, John Calambokidis, Andy Dizon, John Ford, Christine Gabriele, David Mattila, Sue Moore/Paul Wade, Terry Quinn, Jan Straley, David Weller, Kate Wynne, Jorge Urban, and Manami Yamaguchi.

Next steps

A number of tasks were identified as being needed:

- Prepare a summary document outlining the study (this document).
- Contact the proposed members of the Steering Committee to verify their involvement.
- Develop government contacts with some of the potential international partners including Japan, Russia, and Mexico.
- Resolve the best methods and groups to conduct the genetic analyses.
- Compile a better synthesis of available information (whaling data, acoustic detections, and anecdotal reports) on humpback whale occurrence in some of the areas that have not been extensively sampled for photographic identification.
- Continue gathering information from YONAH collaborators in the effectiveness of various protocols and data collections strategies.
- Plan for a meeting of the entire Steering Committee, possibly sponsored by the Hawaii Humpback Whale National Marine Sanctuary, to continue development of the proposal.

ATTAC



EXECUTIVE CHAMBERS
HONOLULU

BENJAMIN J. CAYETANO
GOVERNOR

September 6, 2002

Conrad C. Lautenbacher, Jr., Ph.D.
Under Secretary of Commerce for Oceans and Atmosphere
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
14th Street and Constitution Avenue, N.W., Room 5128
Washington, DC 20230

Dear Admiral Lautenbacher:

In response to your letter of August 2, 2002, I am pleased to provide my approval of the revised management plan for the Hawaiian Islands Humpback Whale National Marine Sanctuary. I know the revised plan reflects extensive input and support from Hawaii's government agencies, the Sanctuary Advisory Council, and many other concerned citizens, and I feel confident that the plan charts an appropriate course for the Sanctuary over the next 5 years.

I would like to express my particular support for initiating the process of identifying new resources for management under the Sanctuary (Strategy NRP-5 of the revised management plan). The Sanctuary has demonstrated its value in protecting humpback whales through research, education and public outreach. I believe this management approach, which complements the efforts of NOAA Fisheries and the Hawaii Department of Land and Natural Resources, should be extended to the conservation of other marine resources in Hawaii. Hawaiian monk seals, sea turtles, and other whales and dolphins, for instance, are species that appear to be suitable candidates for enhanced conservation via the Sanctuary's community-based approach.

Thank you for the opportunity to express my support for the Sanctuary's new management plan and enhanced role in marine management in Hawaii. I look forward to the continuation of our productive federal-state partnership in sustaining Hawaii's precious ocean resources.

With warmest personal regards,

Aloha,

A handwritten signature in black ink that reads "Benjamin J. Cayetano". The signature is stylized and cursive.

BENJAMIN J. CAYETANO

ATTACHMENT 7

November 5, 2002

MEMORANDUM

To: Sanctuary Advisory Council, Hawaiian Islands Humpback Whale National Marine Sanctuary

From: Jeff Walters, Sanctuary Co-Manager

Subject: Update from the Sanctuary Co-Manager for the period of August 29, 2002 through November 5, 2002 (Prepared for the November 13, 2002 Council meeting)

Revised Management Plan Acceptance and Sanctuary Reauthorization

Governor Ben Cayetano approved the revised management plan on September 9, 2002, thereby "reauthorizing" the Sanctuary in state waters for at least another 5 years. The Governor expressed particular support for initiating the process to identify new resources for possible inclusion in the Sanctuary. The Governor's letter to NOAA chief Adm. Conrad Lautenbacher regarding his acceptance and interest in adding new resources will be distributed at the meeting.

State Sanctuary Program Update and Contract Report

This document was recently completed by the state office and will be distributed at the meeting. The report is intended to serve as the final report for the recently expired NOAA-DLNR contract, summarizing accomplishments achieved and obstacles encountered by the state's Sanctuary office, and offering suggestions for future collaborative Sanctuary management. The document also discusses past, current and future policy issues and otherwise goes beyond the normal scope of a federal services contract report, in hopes of providing all interested parties with a comprehensive, up-to-date summary of the state's Sanctuary program. A section in the report summarizes the state office's involvement with the Council.

Sanctuary Research - Request for Proposals for "Beyond Maui" Project(s)

The request for proposals was recently released for this year's Sanctuary-sponsored research. The emphasis is on conducting studies in lesser-known Sanctuary waters outside of the "4 island area" around Maui county. The deadline for proposals is November 18, 2002. The research subcommittee chair will ask to join the acting manager, co-manager, and rescue and science coordinator in evaluating the proposals. The RFP will be distributed at the meeting.

Ahi Nui Tuna Growout Cages, N. Kohala Coast, Big Island

A public hearing was conducted on October 6, 2002, in Kailua-Kona to gather comments on the draft EA for the project, which is being prepared for a Conservation District Use Permit and lease application. The state Sanctuary office had previously submitted comments requesting a more complete examination in the EA of possible impacts on humpbacks and their habitat. NOAA-NMSP has also submitted comments requesting an examination of alternate sites, among other things. The applicants are currently preparing a final EA in response to comments.

Sandwich Isles Communications Fiber Optic Cable Network

The co-manager joined the acting manager in a briefing from proponents of a cable-laying project on October 28, 2002. With rural development grant funds from the US Dept of Agriculture, the project would provide telephone and internet service to Hawaiian homelands. Over 800 miles of cable would be laid on the seafloor around the islands. Several of the proposed cable landing sites are within the Sanctuary. While offering no formal comments at this early stage, the acting manager and co-manager advised the proponents of the Sanctuary's regulations and interests in minimizing impacts to humpback whales and their habitat. The proponents are currently preparing a draft EA for the project.

Marine Science and Conservation

A request to create and fill the new full-time, state Sanctuary position (marine conservation specialist) has been submitted. The request requires the Governor's approval. The process to advertise and fill the position will start immediately after the approval is obtained.

Workshop on Managing Monk Seals in the Main Hawaiian Islands

A 2 _ -day workshop on managing monk seals in the Main Hawaiian Islands was held on October 29-31, 2002, on Kauai. The Marine Mammal Commission sponsored the event, in partnership with NOAA Fisheries and DLNR. The co-manager represented DLNR on the workshop steering committee. The workshop made significant progress in (1) reviewing information on monk seal haul-out patterns and interactions between both people and pets and monk seals on beaches, (2) developing a plan of action to address monk seals hauling out in the main Hawaiian Islands, and (3) recommending additional research and management actions needed to evaluate interactions between monk seals and people on beaches in the main Hawaiian Islands. Council members Dr. Walter Haas, Dr. Carl Berg,, acting Sanctuary manager Naomi McIntosh, Kauai Liaison Jean Souza, and several DLNR staff also participated in the workshop.

Kauai Monk Seal Coordinator

The state Sanctuary office is administering a short-term job funded by NOAA Fisheries. The Kauai Monk Seal Coordinator will work for at least 3 months on Kauai on the following scope of services:

- 1) Document monk seal utilization on Kauai shorelines and report haul-outs to NOAA Fisheries and DLNR.
- 2) Facilitate communication and coordination and serve as a resource point-of-contact for Kauai organizations involved in monk seal conservation activities.
- 3) Prepare a final report describing the utilization of monk seals on Kauai by the end of the period of service and provide recommendations for enhanced conservation and management.

Shawn Farry has been hired to serve as the coordinator. Shawn has worked with NOAA Fisheries on monk seals in the Northwestern Hawaiian Islands and has also been active in Condor conservation and recovery activities on the mainland. After less than a week on the job, Shawn is already busy responding to several haul-outs and attending several meetings with the volunteer Kauai Monk Seal Watch Program.

Cetacean Strandings

A small dolphin stranded dead near Waiehu, Maui on October 26, 2002. A DOCARE officer retrieved the carcass and a DAR-Maui aquatic biologist placed it in a freezer at MCC. The frozen carcass of the apparent juvenile *Kogia* species still needs a home if it is not to be taken to the land-fill soon. Bishop museum has expressed some interest, but has not followed up. SAC members are encouraged to offer suggestions or requests if interested.

Education and Outreach

A new issue of the Sanctuary newsletter is nearing finalization and distribution. An artist has been hired to produce the design and artwork for the poster depicting Native Hawaiian culture and ocean uses within the Sanctuary.

Other Activities

- 1) September 4 – Accompanied DLNR Chairperson Gil Agaran during briefing with Governor Cayetano re the revised Sanctuary management plan and reauthorization.
- 2) October 8 – Participated in strategic planning meeting for DLNR-DAR.
- 3) October 17 – Met with Naomi McIntosh and NOAA-NMSP Director Dan Basta re FY 03 budget and annual operating plan.
- 4) October 24 – Met with Tim Robinson, coordinator of Kauai Monk Seal Watch Program, re monk seal management on Kauai.
- 5) November 1 – Joined acting manager in meeting with representatives of the Dolphin Institute re threat assessment study.

cc: Gilbert S. Coloma-Agaran, DLNR Chairperson
William S. Devick, DLNR-DAR Administrator
Naomi McIntosh, Acting Sanctuary Manager

ATTACHMENT 8

Request for Proposals: Humpback Whale Research in Hawaiian Waters “Beyond Maui”

Hawaiian Islands Humpback Whale National Marine Sanctuary

October 28, 2002

Using federal funds provided by the National Oceanic and Atmospheric Administration (NOAA), National Marine Sanctuary Program (NMSP), the state office of the Hawaiian Islands Humpback Whale National Marine Sanctuary intends to fund one or two research projects designed to provide information useful in implementing the sanctuary’s revised management plan and in facilitating endangered species recovery of the North Pacific stock of humpback whales. Funding for the project(s) will be administered by the state sanctuary office within the Hawai‘i Department of Land and Natural Resources (DLNR), in close coordination with NOAA-NMSP and NOAA Fisheries.

A. Research Focus – “Beyond Maui”

Priority will be given to proposals for research on aspects of humpback whale biology in sanctuary waters on the north shore of Kaua‘i, the north and southeast shores of O‘ahu, the north Kona and Kohala coasts of the Big Island, and/or over Penguin Bank, where humpback whale research has been much less prevalent than in sanctuary waters around the islands of Maui County. Proposals should focus on place-specific research questions of relevance to sanctuary management and population recovery, (e.g., How do whale abundance, distribution and/or behavior vary over time in a particular area? Are there significant differences in age/class distributions or predominant behaviors between two or more areas?) The proposed research should use methodologies and generate data that allow for scientifically valid and useful comparisons with previous research results generated for Maui waters and/or elsewhere in the sanctuary.

B. Funding Information and General Requirements

Total funding requested in each proposal should not exceed \$24,000, and the total amount awarded by the sanctuary will not exceed \$24,000. Depending on the proposals received, the sanctuary may choose to provide funds for two separate projects together not exceeding \$24,000, or one project individually not exceeding \$24,000. Applicants, as individuals or groups, may submit more than one proposal. Each project will be funded via a State of Hawai‘i Requisition and Purchase Order in accordance with State of Hawai‘i small purchase procedures.

Each project will be expected to provide the following deliverables on or before May 31, 2003:

1. A project inception report providing comprehensive descriptions of all expected elements and processes of the project, e.g., work schedule, methods, personnel involved, and expected types of results.
2. A final report, synthesizing and analyzing all information gathered during the project, and providing comprehensive descriptions of all aspects of the project, e.g., scope of work, methods employed, personnel involved, results, discussion and recommendations for future research. The report will contain information presented as text, tables, figures and/or maps of quality and style suitable for reproduction in sanctuary education and outreach publications.
3. At least one manuscript, documenting selected scientifically novel or pertinent findings of the project, suitable for publication in a peer-reviewed scientific journal.
4. A public outreach component. The project implementers will be expected to publicly present selected aspects of the project on at least two different occasions, e.g., Sanctuary Advisory Council meetings.
5. Acknowledgement of funding support of the NOAA Hawaiian Islands Humpback Whale National Marine Sanctuary and the State of Hawai'i, DLNR during any public presentation and on any manuscripts or reports intended for publication.

During implementation of the project, the sanctuary will facilitate access to information from state and federal offices and other sources as much as possible. The project implementers and the sanctuary will share copyrights to all information presented in the project inception and completion reports. Any federal or state permits required for field research must be obtained prior to commencing field research activity or transfer of funds.

Proposal Evaluation Criteria:

Proposals will be evaluated using the following criteria:

1. Relevance to endangered species recovery of the North Pacific stock of humpback whales, and strategies RM-1 and RM-2 of the sanctuary's revised management plan (available for review at:
2. Applicant's previous research performance, publication record and demonstrated competence;
3. Linkage to other existing or planned research efforts;
4. Linkage to other researchers and/or research organizations;
5. Scientific merit; and,
6. Cost effectiveness

How to Apply

Completed proposals containing the following information must be postmarked or received at the address specified below on or before **November 18, 2002**. Proposals, not to exceed 7 pages, should include the following:

1. A cover letter outlining the applicant's experience and other qualifications relevant to successful completion of the project.

2. A scope of work describing the project's primary research question(s), proposed methodology(ies), expected types of results, work schedule, personnel and equipment requirements, and bibliography (if appropriate).
3. A budget summary listing expected costs in terms of personnel, travel, supplies, equipment, other funding sources, etc.

Send completed proposals to:

Jeff Walters, Co-Manager
Hawaiian Islands Humpback Whale National Marine Sanctuary
Division of Aquatic Resources
Department of Land and Natural Resources
1151 Punchbowl, Rm 330
Honolulu, HI 96813

For more information contact:

Jeff Walters at (808) 587-0106, Fax (808) 587-0115, or
jeffrey_s_walters@exec.state.hi.us

ATTACHMENT 9

Conservation Standing Committee Report

Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

13 November 2002

The Conservation Standing Committee last met on 20 August. At the last SAC meeting held in September 13 of the 24 voting SAC members were present at the start of the meeting. A motion requires affirmative votes from 13 voting SAC members to pass. A motion was introduced requesting that the Sanctuary managers develop policy on the suitability of uses within Sanctuary waters. The motion failed 10 votes in favor, 3 against. The Conservation Standing Committee's remaining motions were to be addressed by the SAC after a break for lunch, however, one of the voting members departed during the break, so when the SAC reconvened, there was no longer a quorum, and no additional motions could be considered.

In the hope that there will be more SAC members present at the November meeting, the Conservation Committee resubmits the same 4 motions for SAC consideration.

MOTIONS

Statewide Comprehensive and Integrated Humpback Whale Monitoring Program—Action Plan:

Motion 1: The Conservation Standing Committee proposes that the SAC pass a motion recommending that the Sanctuary develop and implement an action plan that (a) identifies existing activities and sources of information on the status and trends of whales and habitat in Sanctuary waters; (b) identifies priority information gaps; (c) describes how coordination and dissemination of information can be improved; (d) describes alternative activities to fill priority information gaps and improve coordination and communication; (e) presents expected outcomes from implementing each alternative activity; and (f) includes a budget that identifies costs for alternative activities.

Motion 2: The Humpback Whale Sanctuary plans to hire a Research Coordinator, and Hawaii DLNR plans to hire a Marine Conservation Specialist. The Conservation Committee further proposes that the SAC pass a motion that requests that the Sanctuary managers define the position descriptions of these two new posts to ensure that the two new staff have the capacity to develop and coordinate implementation of the aforementioned action plan.

Background: Identified as a priority by the members of the Conservation Standing Committee who attended the May 2002 meeting, the Committee requested that the SAC endorse establishment of a collaborative, ongoing, and integrated humpback whale monitoring program to provide precise information

on quantitative status and trends in whale abundance, stock structure, and distribution in the Main Hawaiian Islands. The SAC decided to refer the motion to the Research and Conservation committees for further discussion. Arguments raised against the motion included: (a) While significant information gaps that may prevent the sustainable management of whales and their habitat in Sanctuary waters do exist, general awareness of the existing knowledge of whales and their habitat in Sanctuary waters is lower than desirable, which may result in the development of strategies that call for research and monitoring that is not needed; (b) Establishing a new monitoring program to be managed by the Sanctuary is not desirable; and (c) Researchers should identify research priorities and not managers.

Are there critical information gaps on humpback whales in Hawaii that need to be filled to help managers address key management issues? What are examples of priority management information gaps (e.g. do individual and cumulative effects from mariculture facilities warrant excluding or restricting such activities in Sanctuary waters? Are water quality standards for nearshore waters adequate to prevent adverse impacts on whales?) Could these priority management information gaps be best filled through data collected from an ongoing whale monitoring program? Should the Sanctuary be involved with filling these information gaps? If so, what should the Sanctuary's role be with establishing and managing a monitoring program?

Walter Haas offers the following comments and suggestions:

- (a) We do not have all the information needed to manage the Sanctuary properly, unless maintaining the status quo is our only goal;
- (b) We need a permanent program in place that will identify changes that occur in whale population, changes in whale's usage of Sanctuary waters and changes in the whale's environment;
- (c) All monies allocated by the Sanctuary for research should be aimed at providing this type of monitoring whales at the same time acknowledging that even the most esoteric research may at some time be valuable to our goal;
- (d) We should not try to influence any independently financed research in any way. Many important discoveries are serendipitous and each whale researcher is a specialist;
- (e) A searchable repository for research reports should be available. Although, whale researchers may interact with each other. Without central data storage, the wheel may be reinvented many times. Perhaps this is a job the Sanctuary should be involved in.

Motion 3: Resolution Calling for Sanctuary Policy on Activities in Nearshore Sanctuary Waters: The Conservation Standing Committee requests that the SAC adopt a Resolution that urges the Sanctuary to adopt formal policy on suitable and unsuitable activities within nearshore waters of the Sanctuary.

The committee discussed plans for a new mariculture facility (Ahi Nui Tuna Farm), plans for a new inter-island ferry system, and plans for short-term oceanographic

research (Oceanit), leading to the realization that the status quo, of the Sanctuary conducting ad hoc review of proposed activities in its capacity as an advisory body, is inadequate. This status quo prevents an effective assessment of the cumulative effects of individual actions that adversely affect humpback whales and their habitat in Sanctuary waters, and the lack of a stringently enforced formal policy contributed to authorization of projects that are incompatible with the objectives of the Humpback Whale National Marine Sanctuary, and that do not result in a greater conservation benefit to humpback whales.

Motion 4: Ahi Nui Tuna Farming Co. The Conservation Standing Committee requests the SAC to send a letter commenting on the proposed new Ahi Nui Tuna Farming Co. mariculture facility, being proposed to be established on Hawaii. A draft Environmental Assessment was released on 20 July.

DISCUSSION

1. Threat Assessment: At the last SAC meeting, the Conservation Standing Committee introduced a motion, which passed, which (a) commended Sanctuary managers for allocating \$50,000 during fiscal year 2002 to develop a working paper on threats to humpback whales and their habitat in Sanctuary waters, (b) recommended that the Sanctuary expedite implementing this project, (c) recommended that the Sanctuary managers follow-up recent discussions with Dan Basta and request national-level funding from the Sanctuary System to convene a national vessel strike workshop in Hawaii in fiscal year 2003, and (d) requested that Sanctuary managers request funding for fiscal year 2003 to broaden the scope of the vessel strike workshop to a comprehensive threat assessment, to identify priority threats to whales while in the Hawaii Sanctuary waters.

What activities have transpired as a result of the passage of this motion? At our Standing Committee meeting in August, Naomi reported that she hopes to issue a Request for Bids by the end of September for \$20k for a contract to develop the threat assessment working paper, funds have not been allocated (yet) for the planned vessel strike workshop, and there have been tentative discussions of holding the threat assessment workshop in conjunction with the Hawaii Ocean Summit, to be convened by the Hawaii Coastal Zone Management program in May 2003.

[Assessing natural and anthropogenic threats to humpback whales and their habitat in Hawaii waters, identifying how each threat is currently being addressed, and identifying if managers need to take additional intervention measures to adequately abate each threat, enables managers to prioritize short and long-term objectives and actions, develop an effective strategic action plan, and meet the goal of the Sanctuary. Threat identification can include both broad and chronic threats, such as gradual degradation of water quality from point and non-point sources of pollution, chronic acoustic pollution and alteration of ambient noise levels, and human disturbance from vessel approaches, to more specific and acute problems, such as large oil spills, or loss of habitat from a new mariculture facility. Categorizing threats as active versus future, by severity, and identifying

which coastal and marine environments are threatened may aid with developing a strategic plan to address critical threats. The threat assessment would also investigate the cumulative effects of activities that adversely affect whales, such as the cumulative loss of habitat from individual mariculture projects, and attempt to identify a threshold above which adverse population-level impacts to humpback whales would result. The threat assessment would further identify priority research, and would evaluate the existing management framework and identify needed improvements in the management structure to address priority threats.

After completing this threat assessment, the Sanctuary would then implement necessary management interventions to address identified priority threats. This might require the Sanctuary to promulgate independent Sanctuary regulations to address threats not addressed under other agency's rules, for example, to manage the threat of collisions between whales and high-speed marine vessels in Sanctuary waters.]

2. U.S. Navy Training Exercises “Hawaiian Islands Shallow Water Training Range”: In October 2001 the SAC submitted comments to the Navy on their proposed installation and operation of the Hawaiian Islands Shallow Water Training Range. The Conservation Committee requested an update from the Sanctuary managers on the Navy’s plans, including the planned renewal of an MOA between the Navy and Sanctuary System to lease Sanctuary land to the Navy to enable implementation of this training program.

November 2002

Ms. Dierdre Mamiya, Administrator
Land Division
Hawaii State Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu, HI 96813

Dear Ms. Mamiya,

Comments on Ahi Nui Tuna Farming Co. Proposed Tuna Growout Facility Draft EA

Thank you for the opportunity to comment on the Draft Environmental Assessment for the proposed Ahi Nui Tuna Farming Company's tuna growout facility, to be located north of Kawaihai on Hawaii. The Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council offers the following comments.

The Sanctuary Advisory Council believes that only activities that result in a greater conservation benefit to humpback whales than potential cost should be permitted in the whale Sanctuary. The proposed installation and operation of the tuna growout facility in nearshore waters of the Humpback Whale Sanctuary would be incompatible with the objectives of the Humpback Whale National Marine Sanctuary, and we recommend that the project not receive authorization to proceed.

The proposed project would permanently displace whales from a large area of habitat documented to support high densities of whales during the whale season as a preferred habitat for resting, singing, mating, calving, and nursing; would risk obstructing whale's preferred migration routes; would likely degrade water quality; may become an attraction for recreational fishers and divers, creating augmented human disturbance to whales at this location; and would create a threat of entanglement.

If the project proceeds despite Sanctuary Council objections, then the Council requests that your agency consider the following. The Draft Environmental Assessment neglects to consider potential adverse effects to whales other than entanglement, as discussed above. In addition, we recommend that the proposed monitoring program be expanded to include monitoring of effects on whales. Prior to installation of the fish cages, the applicant should be required to collect pre-project baseline data on whale abundance, distribution, and behavior, if this information does not exist already for the proposed project site. The monitoring program should be designed to detect statistically significant changes in abundance, distribution, and behavior of humpback whales that can be inferred to result from the presence of the fish cages.

Thank you again for the opportunity to comment on the draft Environmental Assessment.

Yours sincerely,

James Coon
SAC Chair

c: U.S. Army Corps of Engineers
Hawaii State Dept. of Health, Clean Water Branch
Hawaii Coastal Zone Management Program

Draft: 23 August '02

RESOLUTION DEFINING
SANCTUARY POLICY ON SUITABLE USES OF NEARSHORE SANCTUARY
WATERS

WHEREAS, the Hawaiian Islands Humpback Whale National Marine Sanctuary was established to protect humpback whales and their habitat in nearshore waters around the Main Hawaiian Islands;

WHEREAS, the Sanctuary Advisory Council is an advisory body established to provide advice and recommendations regarding management of the Hawaiian Islands Humpback Whale National Marine Sanctuary;

WHEREAS, the Hawaiian Islands Humpback Whale National Marine Sanctuary acts in an advisory capacity to agencies with decision-making authority, and does not regulate activities that occur within the Sanctuary;

WHEREAS, the Hawaiian Islands Humpback Whale National Marine Sanctuary has not adopted a policy to provide guidance on what constitutes suitable uses of Sanctuary waters, and what constitutes uses that are incompatible with the Sanctuary's goals and objectives;

WHEREAS, the Hawaiian Islands Humpback Whale National Marine Sanctuary currently conducts ad hoc review of activities proposed to occur in Sanctuary waters, without the benefit of any formal guiding policy;

WHEREAS, the Hawaiian Islands Humpback Whale National Marine Sanctuary lacks current information on priority threats to humpback whales and their habitat, and has no plan to implement relevant management interventions to abate prioritized threats not currently being addressed under existing state and federal management frameworks;

WHEREAS, assessing threats to humpback whales and their habitat in Hawaii waters, identifying if and how each threat is currently being addressed, and identifying if there is a need for managers to take additional steps to abate each threat, enables managers to proactively prioritize actions, develop and implement an effective strategic action plan, and meet Sanctuary goals;

WHEREAS, numerous activities have been proposed to be conducted within Sanctuary waters that may result in significant adverse effects to humpback whales and their habitat individually and from cumulative effects, including U.S. Navy training exercises, mariculture facilities, and a high-speed inter-island ferry system;

WHEREAS, these proposed activities would potentially result in both broad and chronic threats to whales and their habitat, such as gradual degradation of water quality from

point and non-point sources of pollution, chronic acoustic pollution and alteration of ambient noise levels, and human disturbance from vessel approaches, and specific and acute threats, such as from large oil spills, and loss of habitat;

THEREFORE BE IT RESOLVED THAT the Humpback Whale National Marine Sanctuary Advisory Council strongly urges the Sanctuary System, and other relevant state and federal management authorities, to adopt formal policy to proactively determine the suitability of uses within Sanctuary waters and uses adjacent to the Sanctuary that may adversely affect Sanctuary waters; and

BE IT FURTHER RESOLVED that this policy define suitable uses as being compatible with the goals and objectives of the Hawaiian Islands Humpback Whale National Marine Sanctuary, such that only activities that result in greater conservation benefits to humpback whales than costs, should be permitted in the Sanctuary;

BE IT FURTHER RESOLVED that the Humpback Whale National Marine Sanctuary Advisory Council strongly urges the Sanctuary System, and other relevant state and federal management authorities, to immediately conduct a comprehensive threat assessment of humpback whales and their habitat in Sanctuary waters, which should include (a) identification of priority threats, including an assessment of cumulative effects of individual activities, (b) assessment of the adequacy of current management efforts to abate these threats, (c) prioritization of management interventions to abate priority threats not being otherwise adequately addressed, (d) implementation by relevant management authorities of prioritized management interventions, (e) consideration of the feasibility and desirability of instituting a zoning plan for Sanctuary waters to manage multiple and incompatible uses, and (f) establishment of an integrated and comprehensive humpback whale monitoring program that identifies and fills priority information gaps and improves coordination and dissemination of information.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted to the Hawaiian Islands Humpback Whale National Marine Sanctuary and to all relevant state and federal management authorities, including the U.S. National Marine Sanctuary System, Hawaii State Department of Land and Natural Resources, Hawaii State Coastal Zone Management Program, Hawaii State Department of Health, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. National Marine Fisheries Service, and U.S. Coast Guard.

***ADOPTED** by the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council at its regular meeting of _____ 2002 by a vote of _____.*

James E. Coon, SAC Chair

ATTACHMENT 10

Research Committee Report

Humpback Whale Sanctuary Advisory Council Meeting
13 November, 2002

Jeff Walters put out a list of potential research topics that might be of interest to the Sanctuary and requested comments and priorities from the Committee. His announcement included:

HIHWNMS Research Funding Options Winter 2002-2003 \$25K State Administered NOAA funds

The Sanctuary seeks guidance from the SAC Research Committee regarding the best use of its funds allocated for research over the 2002-2003 humpback whale season. Please rank and/or offer other input on the options described below. As usual, time is of the essence; your expeditious review will be appreciated.

These options were developed by Sanctuary staff and NOAA Fisheries considering: 1) previous SAC research priority lists, 2) research priorities developed during the 1995 NOAA research workshop, 3) research priorities listed in the Revised Sanctuary Management Plan, and 4) the relatively limited amount of direct funding available this year (\$25K). Other considerations include, the fact that the Sanctuary has recently funded excellent studies describing humpback abundance, behavior, and residence times, and the Sanctuary has already allocated separate funds for a vessel strike study and a threat assessment study to be conducted presently or in the near future.

Other research funding options for 2002-2003 will be considered if submitted (see Option X below). For all options, funding will be contingent on quality of proposals, qualifications of applicants and promise to provide all data to HIHWNMS. For more info, please contact Jeff Walters at 587-0106. Thanks!

Options Ranked “High Priority” by NOAA Fisheries and NOAA-NMSP (in no particular order)

1. “Beyond Maui” Study

The study would focus on research in Sanctuary waters around Kauai, Oahu or the Big Island, where data on humpbacks are much less plentiful than in the waters around Maui County. Proposals should focus on place-specific research questions of relevance to Sanctuary management, e.g., how do whale abundance and distribution vary over time on

the N. Kohala Coast? Are there differences in age/class distributions between the N. Shore of Kauai and the N. Shore of Oahu?

2. Calf Mortality Study

The study would document and analyze deaths of humpback calves in Hawaii. Causes of death and other factors and trends associated with mortality would be explored.

Questions examined might include: Are there areas in the Hawaii having relatively higher rates of mortality? Are there causes of death that might be mitigated or prevented by the Sanctuary? How does the rate of mortality in Hawaii compare to rates elsewhere in the Northern Pacific?

3. Acoustic Monitoring Feasibility Study

The study would examine the feasibility of using passive acoustic monitoring of humpback song and other sounds to estimate abundance, distribution and/or habitat/substrate preference of humpbacks in Hawaii. Questions examined might include: Can acoustic data be coupled with other monitoring methods to more efficiently estimate abundance and distribution? Can acoustic monitoring be used to continuously monitor whale movement and behavior over diurnal and longer time periods?

4. Vessel Approach Impact Study

This study would investigate the impacts of vessel presence and approaches. Information generated would assist in understanding the effects of vessels on whale behavior.

Questions to be explored could include: Do different vessels, engines, etc. elicit different reactions or behavior? Does sensitivity to vessels vary by age, sex or social grouping?

This experiment would need to be carefully constructed and controlled in extra close coordination with NOAA Fisheries, DLNR and the Sanctuary.

Other Options

5. Remote Sensing Study

The study would examine the feasibility and demonstrate the use of satellite data to estimate abundance and distribution of humpbacks in Hawaii.

6. Whale Cam Project

This project would document and analyze sub-surface behavior of humpbacks via the use of “critter cam” technology.

Option X – Other study – Please describe.

The announcement was forwarded to members of the SAC research committee. There was general agreement with the priorities by two of the committee members. Others suggested that we perhaps tie in the research priorities with “our State GIS which would foster enhanced and possibly more meaningful habitat analysis”. Another committee

member liked the Vessel Approach Study the best and also was very supportive of the critter cam work along with the remote sensing study.

Dr. Walters received the comments from the committee and certainly considered them before releasing his RFP.

ATTACHMENT 11

HONOLULU COUNTY REPORT

ACTIVITY REPORT TO THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY ADVISORY COUNCIL – 13 NOVEMBER 2002

11 September 2002

Discussion with Jan Ostman Lind concerning activities and plans for marine mammal related educational and research efforts in Kona District, island of Hawaii.

25 September 2002

Meeting with Dr. Dan Basta, Director of the National Marine Sanctuary Program in the National Ocean Service of NOAA at the NOAA Headquarters office complex in Silver Spring, MD.

I met with Dr. Basta to discuss issues germane to the Hawaiian Islands Humpback Whale National Marine Sanctuary, particularly the focus of the Sanctuary and the threat to whales from collisions with vessels in Sanctuary waters. Dr. Basta pointed out that the Hawaiian Islands Humpback Whale National Marine Sanctuary is a Sanctuary for the humpback whales and other charismatic megafauna such as other whale species, dolphins, monk seals and sea turtles as well as a repository and, potentially, a Sanctuary for submerged cultural resources and items of significant maritime heritage. Although the Hawaiian Islands Sanctuary has a principal focus on humpback whales, Dr. Basta allowed that rational management of marine resources and cultural heritage requires broad scope stewardship. Dr. Basta indicated this approach was commensurate with the policies of the national Marine Sanctuary Program in general and cited examples of the policy in action in other Sanctuaries.

We also discussed the threat to whales from collisions with vessels in Sanctuary waters. Dr. Basta reiterated his office's support for a "regional" workshop focused on the threat to whales from collisions with vessels in and around the Hawaiian Islands and indicated that the scope of the workshop should be truly regional and not strictly insular. Dr. Basta agreed that the local Sanctuary Advisory Council ship strike working group (which I chair) should convene at least one meeting before the end of 2002 to provide planning and organizational guidance for the regional meeting, which will occur during 2003. Essentially, the local working group will serve as a sounding board and steering committee for the local Sanctuary co-managers, who will organize and conduct the regional meeting on threats to whales from vessel collisions in the greater Pacific region.

Dr. Basta and I also discussed the Humpback Whale Sanctuary “presence” at the NELHA facility at Keahole Point in Kona. Dr. Basta reiterated that he has committed resources in his budget to support a Sanctuary employee in Kona and he supports having that position located at the NELHA facility.

03 October 2002

Meeting with Robert C. Gisiner, Ph.D., Program Officer for Marine Mammal Science (Code 335) Office of Naval Research at the CEROS Project Office in Kona.

I met with Dr. Gisiner to discuss topics of potential interest to ONR 335. In particular, we discussed the Navy’s programs to protect and foster marine mammals while also fulfilling the security mandates of the nation and possible approaches to providing near-term technology for protection of marine mammals to operational Fleet units.

24 October 2002

Visit to the Marine Corps Base Hawaii for meeting with Dr. Paul Nachtigall of the Marine Mammal Research Program, Hawaii Institute of Marine Biology, SOEST, University of Hawaii at Manoa for discussions about marine mammal rehabilitation facilities at MCBH and HIMB.

I met with Dr. Nachtigall at the MCBH waterfront operations area west of the main MCBH runways. He showed me the area being refurbished for animal care and maintenance. The area was formerly used by the Naval Ocean Systems Center Hawaii Laboratory for dolphin husbandry and care and maintenance of mothers with calves and provides an excellent setting for the rehabilitation facility. Dr. Nachtigall also explained the related facilities that were at hand which could be brought to bear in a rehabilitation situation. Apparently, funding has been secured through the Hawaii Congressional delegation to (partially) pay for the site preparation. Under Dr. Nachtigall’s leadership, the MMRP team at HIMB has stepped up to address the need for more and improved rehabilitation facilities for stranded marine mammals in Hawaii.

29 October 2002

Co-Chair of the technical sessions on Marine Mammals at the Oceans 2002 meeting “Marine Frontiers: Reflections of the Past, Visions of the Future” at the Mississippi Coast Coliseum & Convention Center in Biloxi, MS and co-sponsored by the Marine Technology Society (MTS) and the Ocean Engineering Society of the Institute of Electronic and Electrical Engineers (IEEE OES).

My co-chair was Barry Stamey, Department of the Navy Liaison, National Marine Fisheries Service, NOAA, in Washington, DC. The six technical presentations were:

- ❖ *Web-based Data Management and Sharing of Bottlenose Dolphin Photo-identification Information*, presented by Joseph Contillo;
- ❖ *Automated Model-based Localization of Marine Mammals near California*, presented by Chris Thiemann;
- ❖ *Measurements of Ambient Noise and Sperm Whale Vocalizations in the Northern Gulf of Mexico Using Near Bottom Hydrophones*, presented by George Ioup and Stan Kuczaj;
- ❖ *Seismic Surveys and Marine Mammal Protection*, presented by Phil Fontana;
- ❖ *Ship Strikes and Whales: An Acoustic Paradox*, presented by Edmund Gerstein; and
- ❖ *Recreational Boating Traffic and Environmental Noise in the Wilmington, North Carolina Intracoastal Waterway: Potential Implications for Bottlenose Dolphins*, presented by Adam Frankel.

The sessions were well attended and each paper elicited lively comment and discussion.

04 November 2002

Meeting with Naomi McIntosh and Marc Lammers to discuss “ship strike” issues. My report on this meeting is filed separately for the Ship Strike Working Group.

Meeting with the Sanctuary Advisory Chair, co-managers and staff at the CEROS Contract Office in Honolulu to discuss the agenda for the November SAC meeting.

We discussed the proposed agenda and possible related actions required from the SAC. In particular, the co-managers are being asked to implement the Management Plan without additional funding. Chairman Coon indicated that he would “assign” the Management Plan to the SAC Program Committee for review, with the intent of making recommendations to the NOAA Sanctuary Program Manager (Dan Basta) by March 2003.

The co-managers provided information about recent and planned facilities and personnel actions. Chairman Coon allowed that the organizational phase of the SAC extended longer than he originally anticipated but now that the Management Plan is in place, the Sanctuary and SAC are well positioned to make significant progress. Federal Co-Manager McIntosh provided an update on the plans and vision issues that will be presented at the SAC meeting. State Co-Manager Walters provided information on the plans for the Sanctuary’s research program for the coming season and on the State’s intent to hire a Marine Conservation Scientist to assist with program development and execution.

I will not attend the November SAC meeting. The FY03 program development schedule for the CEROS program requires my attention and presence in Kailua-Kona.

Bill Friedl
Honolulu County Representative

ATTACHMENT 12

KAUAI REPORT TO THE SAC

Prepared by Dr. Walter Haas

13 November 2002

SAC

I participated in the 3-day workshop on Hawaiian Monk Seals sponsored by the Marine Mammal Commission in Poipu on November 29-31. They hope the final report will be published in a month or so, although it could take a couple of years before everything can be implemented. It was a very worthwhile meeting. Kauai SAC Alternate Dr. Carl Berg, and Kauai Sanctuary Liaison Jean Souza also participated.

Jean and Claire Cappelle traveled to Massachusetts in September to work on collaborative projects with Stellwagen Bank NMS and others sanctuaries and partners. Both projects, funded by Catalyst Mini-grants awarded by headquarters to HHHWNMS, paid travel expenses and supplies for initiation of work on the web-based curriculum project called "Whaling to Watching" and the NMS interpretive (formerly naturalist) certification program. Jean and Claire were joined by Dick Poirier and Sara Peck on the meeting for Sanctuary interpreter certification.

Jean and Claire spent a week with SBNMS education coordinator, which included familiarization with SB whale resources and outreach activities.

EDUCATION AND OUTREACH

On October 22, Jean and 2 Sanctuary volunteers staffed an exhibit table at the Kauai Teachers Institute—the annual gathering of full-time public school teachers, librarians and counselors organized by the Hawaii State Teachers Association. Over 100 educators stopped by the table with 40 requesting to be on our mailing list. Over 3000 educational materials were requested for classroom use.

The Kauai office has mailed out nearly 2000 flyers for the upcoming Ocean User's Workshop to Kauai and Big Island folks.

An educator's workshop was held on November 9 for about a half dozen elementary and middle school educators at Elele School on the island's westside. The 3-hour workshop focused on a new workshop unit "Design an Undersea World", a mural for glass windows. Kauai Sanctuary staff and 2 Kauai volunteers traveled to Maui last month for a hands-on workshop on the technique perfected by Maui volunteer Julie Kiligian.

During the week of November 4, Sanctuary administrative officer Carol Carey traveled to Kauai to work on the conversion and refinement of the educators handbooks which are developed by staff for the workshops. The conversion to Pagemaker and other changes will help to bring the document into compliance with NMS standards for publications. Carol also assisted and trained the Kauai staff and a volunteer on Pagemaker.

ADMINISTRATION

A computerized budget tracking system was also developed and installed for the Kauai office.

In September, rewiring of the Kauai office's electrical and computer systems was completed.

ATTACHMENT 13

MAUI COUNTY REPORT

Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council November 13, 2002, Meeting

Richard McCarty
Maui County Representative

Site Report for Maui
September 30, 2002-October 6, 2002

Accomplishments/Awards

Joylynn Oliveira, the Cultural Educator returned from a site visit to American Samoa, Fagatele Bay National Marine Sanctuary. While there, Joylynn, along with the Fagatele Bay Sanctuary staff completed outreach programs, school visits and presentations to approximately 300 students. Joylynn participated in a site visit to Fagatele Bay, presented an educator's workshop, and also hosted a whale watch with 80 participants. The whale watch passengers included children from 2 schools and also members of the general public. Joylynn used her cultural knowledge to gain the student's attention by introducing herself with a chant. Media coverage was received (see below) in the form of a front-page article in the paper and a spot on the evening news. Joylynn was quite the local celebrity.

Community Events

On Tuesday, October 1, 2002 the Maui Site hosted a Welcome Home and Good Bye Luncheon. The staff and volunteers welcomed Allen Tom, Regional Coordinator, back to the site and also gave their well wishes to longtime volunteer, Bill Adams who will be moving back to the Mainland. This celebration included all Maui staff, Jean Souza from the Kauai office, and Naomi McIntosh, Acting Sanctuary Manager from the Oahu office. Representatives of community organizations that work with the Sanctuary program also attended the event.

On Thursday, October 3, 2002 'Ao'ao O Nā Loko I'a O Maui, The Fishpond Association held its monthly meeting at the Maui Site

On Friday, October 4, 2002 Claire Cappelle, Maui County Liaison and Rhonda Van Wingerden, marine educator of the Maui office, met with Outrigger Wailea representatives to discuss future projects and ideas for educating Outrigger staff, guests, and facility users about the Hawaiian Islands Humpback Whale National Marine Sanctuary Program.

Media Coverage

The Bulletin September 27, 2002-October 3, 2002, issue listed our upcoming lecture entitled: “Landscaping with Maui’s Native Plants: Helping Hawai‘i look like Hawai‘i” which is being held on Tuesday, October 8, 2002.

The Maui News, September 28, 2002, issue listed our upcoming lecture in the County section on page 2.

Joylynn Oliviera’s trip to Fagatele Bay was highlighted in a front-page article of the Samoa News, September 24, 2002 issue. The article entitled “Fagatele Bay NMS conducts a whale of a workshop!” The article covered Joylynn’s participation in events in conjunction with Fagatele Bay National Marine Sanctuary during the two-week long Coastweeks 2002 program.

Joylynn’s visit and activities during Coastweeks 2002 was also covered on the Wednesday evening news.

Site Report for Maui October 7 – October 13, 2002

Community Events

Surveyors were on site at the Maui Headquarters this week to take borings as part of the environmental assessment that is taking place for the construction of the new multi-purpose building.

Tamara Sherrill Nelson, Nursery Manager at the Maui Nui Botanical gardens presented her lecture entitled: “Landscaping with Maui’s Native Plants: Helping Hawai‘i look like Hawai‘i” on Tuesday, October 8, 2002, at 7pm as part of the Maui Headquarter's monthly lecture series.

Kathleen Dziedzic, Marketing Manager with Outrigger Wailea resort visited the Maui site on Tuesday, October 8, 2002. She attended the “45 Ton Talk” and toured the site.

On Saturday, October 12, 2002, Dan Bosta, Allen Tom, Claire Cappelle, and Rhonda Van Wingerden, will be meeting with Outrigger Representatives to discuss upcoming projects.

Dan Bosta, Claire Cappelle, and Allen Tom will be diving on Sunday, October 13, 2002, as part of Dan’s site visit to Maui.

Rhonda Van Wingerden traveled to Kaua‘i on October 9 and 10, 2002, to work with Jean Souza on the creation of an education brochure.

Media Coverage

The lecture entitled, “Landscaping with Maui’s native Plants: Helping Hawai‘i look like Hawai‘i” was listed in the Currents section of the Maui News on Sunday, October, 6, 2002.

Congratulations to Volunteer

Keith DeVey, Sanctuary volunteer, has made Santa Clara's college soccer team this Fall where he is attending as a freshman. Santa Clara is the defending West Coast Conference champion, has won or shared 8 WCC titles and has played in the NCAA Division 1 men's championship game three times. DeVey has been a volunteer with the Sanctuary for over four years.

ATTACHMENT 14

Report to Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council
November 2002 meeting

Ship Strike Working Group

I met with Federal Co-Manager McIntosh and Marc Lammers at the CEROS Contract Office in Honolulu on 4 November.

Mr. Lammers presented the findings from his questionnaire to vessel operators and such and previewed his report on the “ship strike issue and humpback whales in Hawaiian waters”. The report now includes a summary of reported “encounters” from newspapers 1975-2001. A number of the reports concerned species other than humpback whales (e.g. sea turtles). He also discussed concerns expressed by respondents to the questionnaire, particularly the need for timely but anonymous means of reporting encounters. Furthermore, collisions may damage vessels and produce concurrent safety concerns to regulators (e.g. the USCG). Mr. Lammer’s report will be completed by mid-April 2003.

A NOAA-supported to gather and summarize data on vessel strikes and whales will surely augment Mr. Lammers’ regionally-focused effort and produce an authoritative database for the issue. However, other information is required to help guide rational management of vessels in Sanctuary waters e.g. data on whales’ awareness of vessels, data on vessel operators’ awareness of whales and details of whale distribution. Regarding the latter, Mr. Lammers noted that whale distribution is notably “lumpy” so identification of potential encounter “hot spots” in Hawaiian waters is a priority.

Federal Co-Manager McIntosh reported that the National Marine Sanctuary Program has provided \$30K in supplemental program funding to support a regional workshop on the ship strike issue and humpback whales. The “region” in question includes Sanctuaries in American Samoa and the Hawaiian Islands and the NWHI Coral Reef Reserve territories. At the urging of SAC Chair Coon, the tentative plan would call for an extensive one-day workshop at the end of April 2003. The Ship Strike Working Group will serve to collect and validate topics for the workshop and present a Plan of Action to the SAC at the January 2003 meeting. The focus of this action will be to collect, cull and concatenate information to help coordinate preparation of background packages on major “topics of concern” for the workshop.

Bill Friedl
Working Group Chair